

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

April 28, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Eric Dickstein
The Oaks Key West LLC
19 Cypress Avenue
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, May 12, 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 February 20, 2015 at 330 Julia 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;*

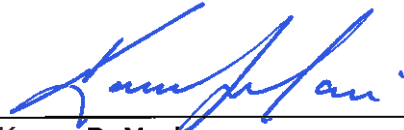
Factual allegation: One (1) multi trunked Strangler Fig tree was removed without receiving a tree removal permit.

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 Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **29 day of April 2015.**

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



Karen DeMaria
Urban Forestry Manager
kkdemaria@keywestcity.com

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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1. Article Addressed to: <div style="text-align: center;"> Eric Dickstein The Oaks Key West LLC 19 Cypress Avenue Key West, Florida 33040 </div>		B. Received by (Printed Name) <i>ERIC DICKSTEIN</i>	C. Date of Delivery <i>4-30-15</i>
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APR 29 2015
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Sent To
Eric Dickstein
The Oaks Key West LLC
19 Cypress Avenue
Key West, Florida 33040

PS Form 3800, Jan

Staff Report

STAFF REPORT

DATE: May 1, 2015

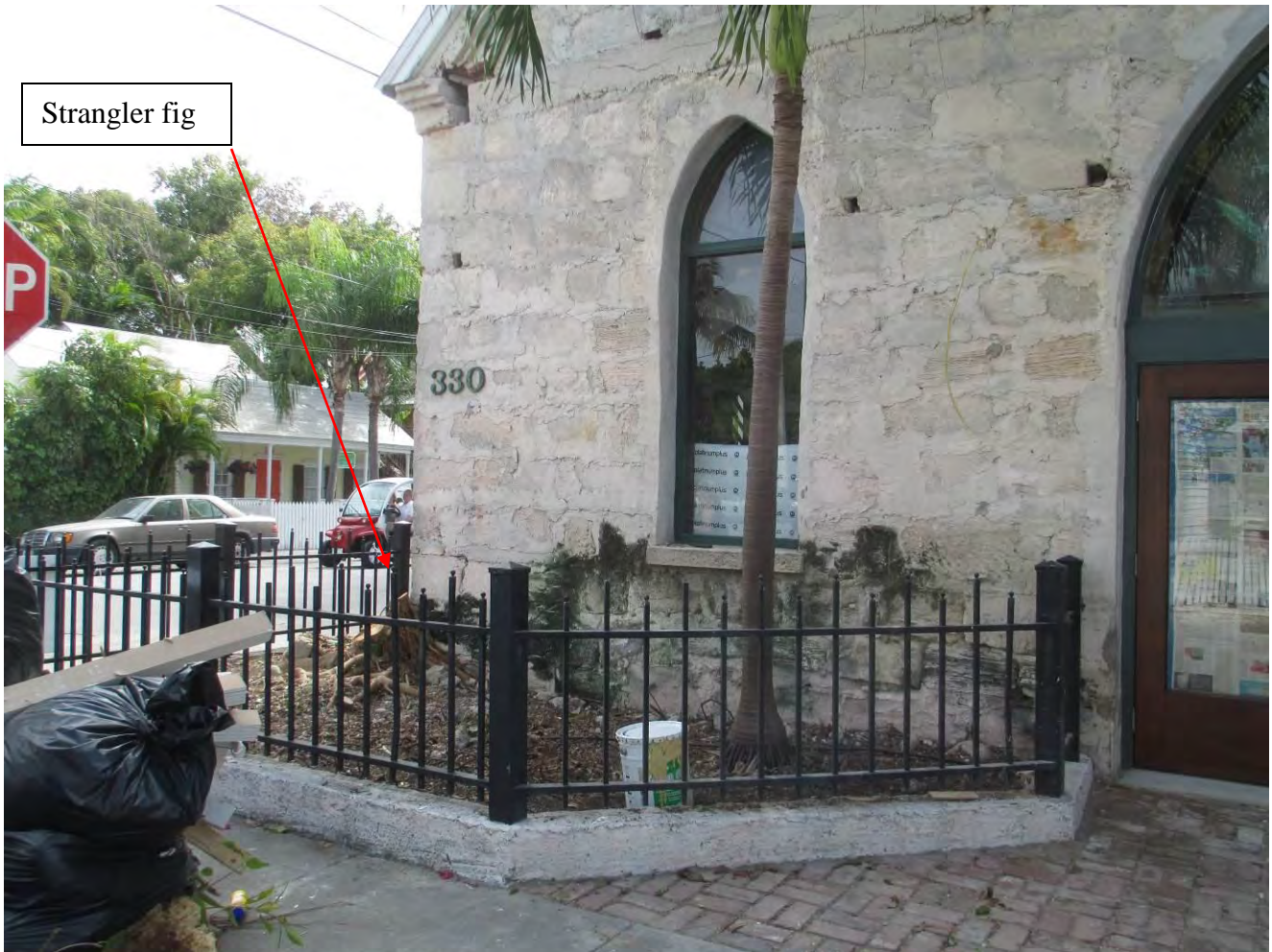
RE: 330 Julia Street

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

A complaint was received regarding the removal of vegetation, including a Royal Poinciana tree at 330 Julia Street. An inspection revealed that the property had been cleaned up and a pile of vegetative debris was piled on Julia Street. A closer review of the pile indicated most of the vegetation was not regulated palms and ornamental plants. There was no evidence of a Royal Poinciana tree being cut down. Of note in the pile were numerous branch/trunk sections of strangler fig. A walk around the property with the property owner indicated that a strangler fig was removed from the base of the building growing in the area of a decayed gumbo limbo stump. Due to the size of the Strangler fig, it would have been regulated and its removal would have required a permit.

Tree Species: Strangler Fig (*Ficus aurea*)













Total Diameter: 8.7" (multi-trunked, measurements taken at cut base of remaining stumps)

If tree removal had gone through proper permitting procedures:

Location: 20% (major foundation issues to historic building, canopy impacting utility lines and line of site issues)

Species: 100% (on protected tree list)

Condition: 80% (actual condition unknown, tree appears to be healthy)

Total Average Value = 66%

Value x Diameter = **5.7 replacement caliper inches**

Recommend processing of an after-the-fact permit with required replacement inches to be planted on site.

Photos of the property Google Earth (2011)





Photos of the property Google Earth (2011)



Looking down
Whitehead St at
property



Rear of
property on
Whitehead St

Photos of the property Google Earth (2011)



View
looking
down Julia
toward



Karen DeMaria

From: Eric Dickstein <ericdickstein@yahoo.com>
Sent: Tuesday, February 24, 2015 3:14 PM
To: Karen DeMaria
Subject: 330 Julia Street
Attachments: IMG_1416.JPG; IMG_1420.JPG; IMG_1421.JPG

Dear Karen,

It was nice speaking with you at the property this morning.

As we discussed, I believed that the ficus tree growing on the corner of the property was not a protected species and would not require any special permitting (after making several inquiries, I actually believed the tree to be in the ficus benjamina family). We have been asked on several occasions by crews from Keys Energy as well as the City to remove all of the large limbs from this tree which grow into the overhead wires and obscure the stop sign and sidewalk. Since the tree was planted very close to the building, these large limbs made up most of its mass.

In addition, the trunk of this tree was rotten as depicted in the attached pic, and it appears that new growth had sprouted from the decaying core. You will also notice that the tree is severely impacting the foundation of this historic structure, and has resulted in cracks as seen in the attached pic.

As you know from recent events, I don't take removing healthy trees lightly. I apologize if we were in error by removing this tree without a permit, and I would respectfully request an after-the-fact permit now for its removal based on the above circumstances.

Please let me know how to proceed. Thank you for your consideration.

Kind Regards,

Eric Dickstein
305/923.3993



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: 1026484 Parcel ID: 00025720-000000

Ownership Details

Mailing Address:
THE OAKS KEY WEST LLC
19 CYPRESS AVE
KEY WEST, FL 33040-6236

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION
Millage Group: 11KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 330 JULIA ST KEY WEST
Subdivision: Tracts 10 and 15
Legal Description: KW PB 1-25-40 LOT 17 SQR 1 TR 10 OR97-319/21 OR974-2137 OR1006-2352 OR1007-1206R/S OR1165-416 OR1165-417 OR1228-1789/90 OR1248-1961/62 OR1248-1965 OR1292-1814/15 OR2630-1783/87C/T OR2632-359/66AMD OR2670-655/56 OR2682-596/98

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

THE OAKS KEY WEST LLC

Filing Information

Document Number	L14000065189
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Status	ACTIVE

Principal Address19 CYPRESS AVE
KEY WEST, FL 33040**Mailing Address**819 PEACOCK PLAZA
#302
KEY WEST, FL 33040 FL**Registered Agent Name & Address**DICKSTEIN, ERIC
819 PEACOCK PLAZA
#302
KEY WEST, FL 33040**Authorized Person(s) Detail****Name & Address**

Title AMBR

DICKSTEIN, ERIC
19 CYPRESS AVE
KEY WEST, FL 33040**Annual Reports****No Annual Reports Filed**

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04/22/2014 -- Florida Limited Liability

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