

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.

South Wind Pools
5635 4th Avenue
Stock Island, 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 13, 2015 at 922 Catherine 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;

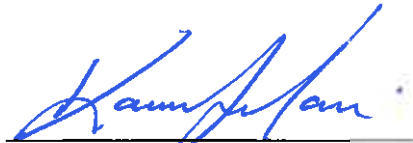
Factual allegation: South Wind Pools removed one (1) Coconut Palm without receiving a removal permit.

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	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 		<p>A. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p style="text-align: center;">South Wind Pool 5635 4th Avenue Stock Island, Florida 33040</p>		<p>B. Received by (Printed Name) <u>Heather Sundman</u> C. Date of Delivery <u>4-30-15</u></p>	
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</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>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <u>4.8</u>
Certified Fee	<u>3.30</u>
Return Receipt Fee (Endorsement Required)	<u>2.70</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<u>6.48</u>
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
<p style="text-align: center;">South Wind Pool 5635 4th Avenue Stock Island, Florida 33040</p>	
PS Form 3800, June 2013	

8222 2992 2000 0050 E000


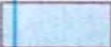

APR 29 2015
Postmark Here

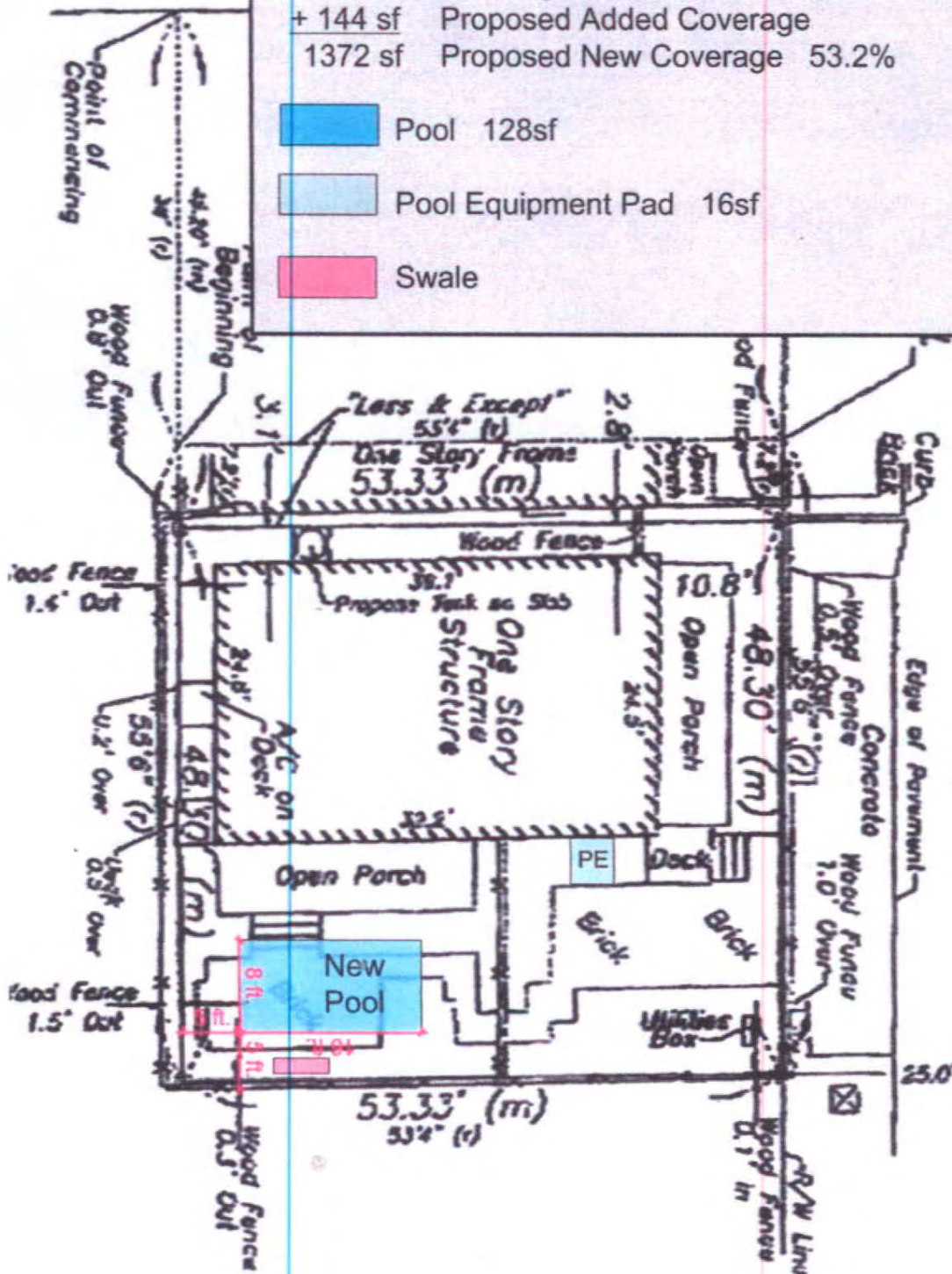
Staff Report

922 Catherine
Key West
Leohr Residence

Total Land Area = 2,576 sf
60% Coverage Allowed

1338 sf Existing Coverage 51.9%
-110 sf Coverage removed for new pool
+ 144 sf Proposed Added Coverage
1372 sf Proposed New Coverage 53.2%

 Pool 128sf
 Pool Equipment Pad 16sf
 Swale



Catherine St.
50' (R/W)

MEMORANDUM

DATE: October 31, 2014

RE: 922 Catherine Street, HARC/Building permit for pool and swale areas

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

On October 31, 2014, I inspected the proposed pool and swale area. Numerous palm trees are growing in the yard area. It does not appear that any regulated palms will be directly impacted by the pool and swale construction. There are two coconut palms in the yard but they appear to be outside the work area. The one coconut palm nearest the access gate needs to be protected during construction activities.



Pigeon
plum
behind
gate

Regulated
coconut
palm

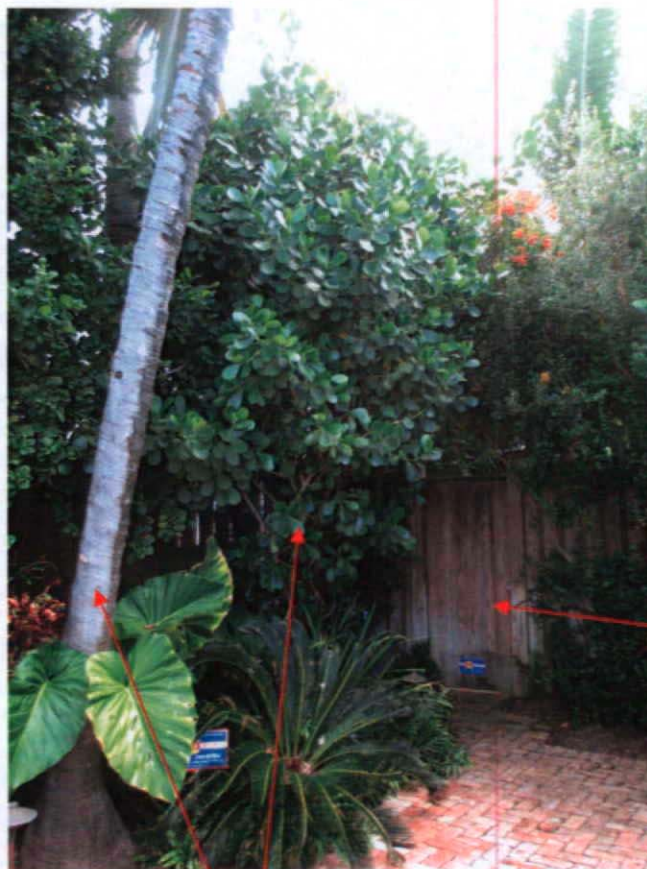
Standing at access gate looking toward proposed work area.

Access to the yard area (proposed construction area) is tight. There are several regulated trees in this area and close to the gate. Care must be taken when traversing this area. Heather from South Wind Polls indicated that a mini caboda would be used to dig the pool and swale.

Access gate



Regulated trees



Access gate

Regulated trees

STAFF REPORT

DATE: April 1, 2015

RE: 922 Catherine Street Administrative Hearing

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

On February 13, 2015, I received a complaint regarding trees having been removed and trees improperly trimmed at 922 Catherine Street. On February 16, 2015 an inspection of the property documented that a pool had been constructed, holes were being dug for what appeared to be footers for a deck, the front gate/fence had been removed and a lot of vegetation had also been removed including one coconut tree, some Simpson stoppers, and 2 autograph trees. Other regulated trees had been trimmed/topped including two pigeon plum and 4 stopper trees.

This property first came to my attention in October 2014 when an application was made to build a pool. At that time, the pool contractor was notified of regulated trees being possibly within the work area (see building permit package with memo dated October 31, 2014).



Coconut Palm

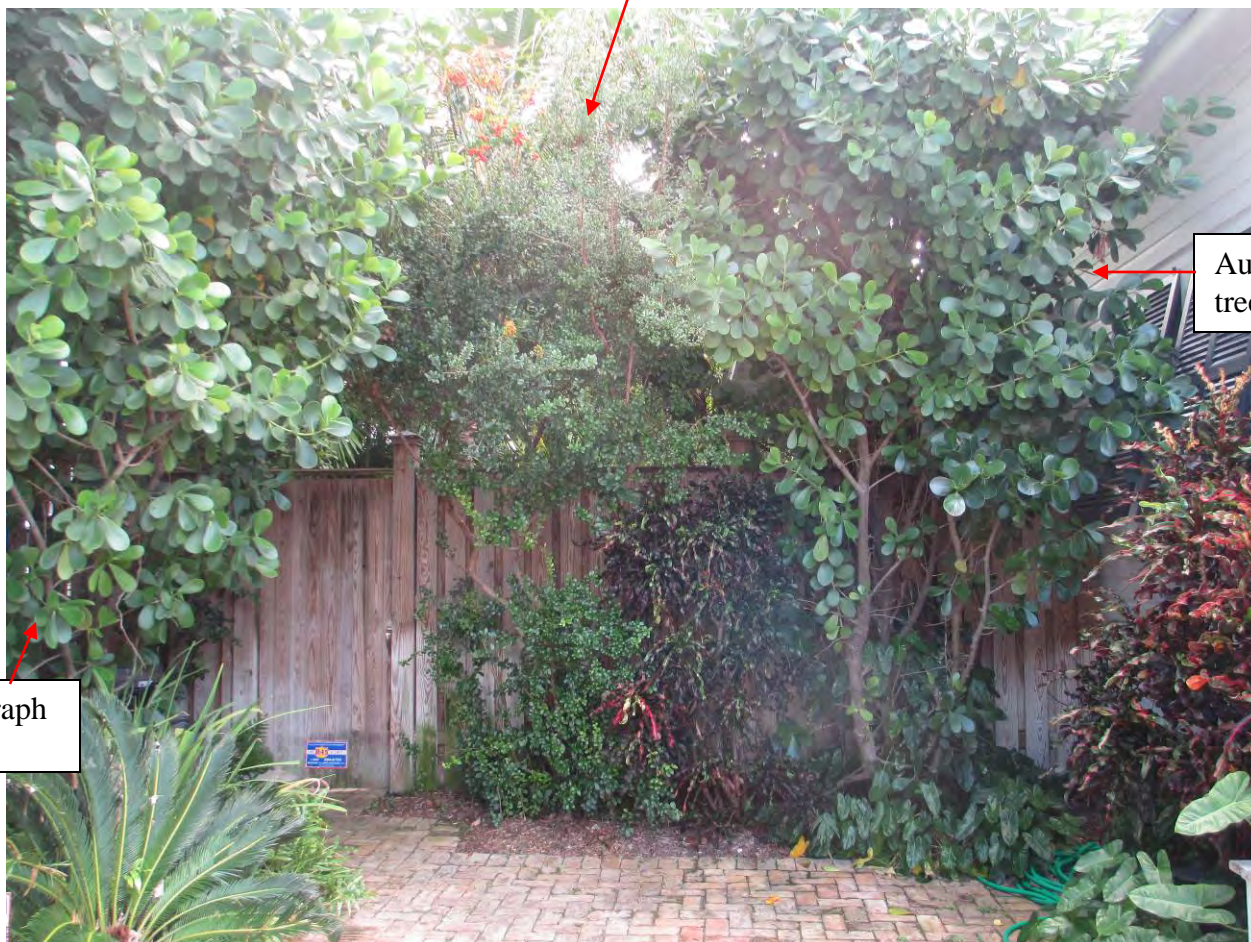
10-31-14:
Standing on
Catherine Street
looking at front of
house—Spanish
stopper trees
along front fence.

10-31-14: Looking at driveway/gate area

Simpson Stopper

Autograph tree

Autograph tree



Close up of Simpson Stopper trunks

10-31-15

Autograph tree

Pigeon
Plum



10-31-14



Inside the former
gated yard area.

Coconut Palm



Pigeon Plum

2-16-15



Looking at Spanish Stopper trees in front of house—they have been topped (hedges). One Spanish stopper was transplanted a foot forward.



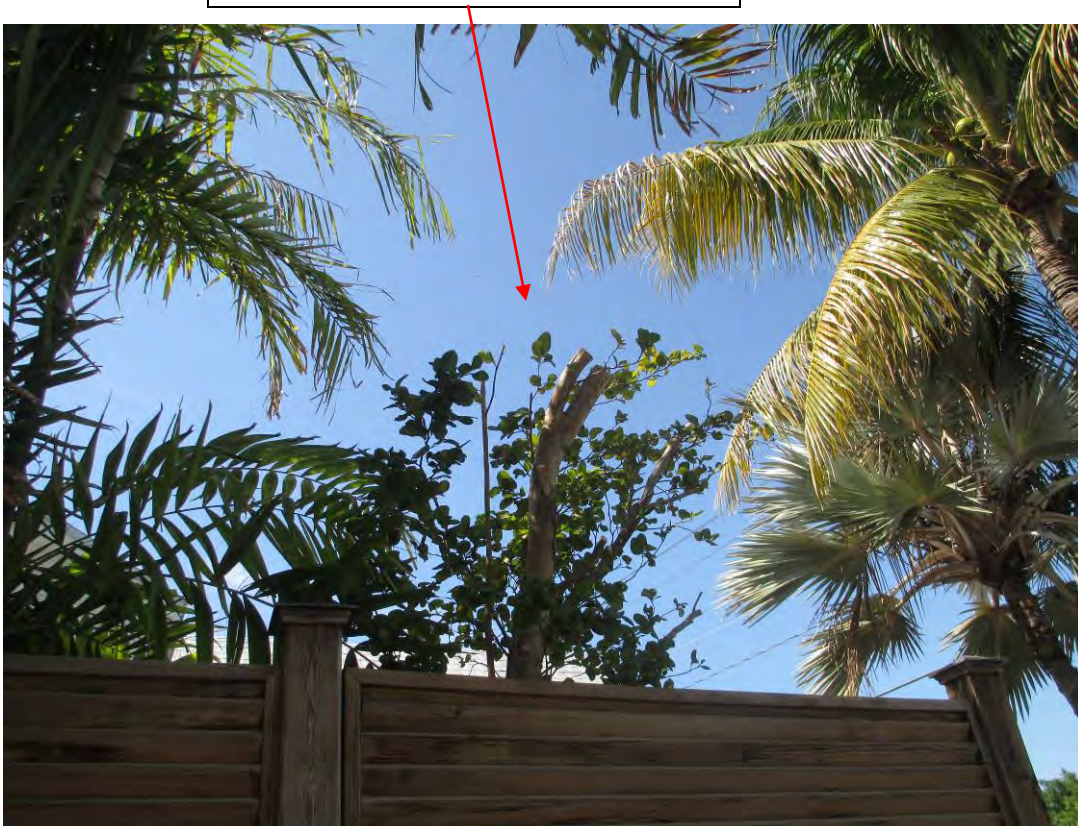
Looking at driveway/former gate area: one autograph tree and Simpson stopper have been removed



Pigeon Plum

Looking at driveway/former gate area. One Coconut Palm and another Autograph tree are missing. Top of Pigeon Plum has been cut.

Another pigeon plum tree has been topped.



From February 18 to the 27, 2015, I had many conversations with the property owner, Doug Leohr and the landscaper on the property, Michael Herrera regarding the trees on the property. Mr. Herrera stated that the Coconut Palm had been removed by the pool company before he got onsite. The tree was on the property but was dead. He did remove the two autograph trees to be transplanted and he did top the pigeon plum trees and the Spanish Stopper trees. Mr. Leohr has agreed to replant trees on the property to resolve the issue.

Issues and recommendations:

1. Coconut Palm tree was removed from the property without a permit. All information gathered indicates that the pool company, South Wind Pools, is responsible for removing the coconut palm and allowing it to die.
2. Simpson Stopper is not on the protected tree list, therefore, it is regulated if over 4" diameter. Based on photos of the multi-trunked Simpson stopper that was removed from the property it can be verified for sure whether the tree was 4" or more in diameter. Therefore, the removal of this tree is not part of this hearing.
3. Two Pigeon Plum trees had been topped. Both of these trees are located next to the fence. The trimming work does not appear to have severely altered the primary structure of the tree (they are both still trees), therefore, this trimming work is not part of this hearing.
4. Two Autograph trees had been removed from the property to be transplanted. An after-the-fact application was submitted for the transplanting and the trees have been returned to the property and replanted. It is recommended that the after-the-fact permit be processed.
5. There are four Spanish stopper trees along the front fence. Three of these trees had been topped and turned into hedges which has changed the structure of these trees. Another small Spanish Stopper tree was transplanted a foot forward to be in line with the other trees. Due to the original size of this tree, it might not be regulated. Therefore, the issue is tree abuse on three Spanish stopper trees.

2-27-15



Looking at front
of house.
Spanish Stopper
“trees” are behind
fence.



Row of Spanish
Stopper “trees”
behind fence



Spanish Stopper tree:

#1: 4,5" dbh, 3 large trunks

#2: Not a tree, <1" dbh, not regulated.

#3: 5" dbh, 5 trunks

#4: 4" dbh, 3 large trunks







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**

March 16, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Doug Leohr
387 Medina Road Suite 600
Medina, OH 44256

Michael Herrera
3831 Duck Avenue
Key West, FL 33040

South Wind Pool
505 Southard Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, April 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 February 13, 2015 at 922 Catherine 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:

(4) Cutting upon a tree which destroys its natural shape.

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.

Factual allegation: South Wind Pools removed one (1) Coconut Palm without receiving a removal permit. Michael Herrera, landscaper, removed two (2) Autograph trees to be transplanted, without receiving a permit and topped three (3) Spanish Stopper trees turning them into hedges, at the request of the property owner.

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 **18th day of March 2015.**

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



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

Karen DeMaria

From: South Wind Pools <southwindpools@gmail.com>
Sent: Monday, April 13, 2015 9:04 AM
To: Karen DeMaria
Subject: Re: 922 Catherine St

5635 4 th av stock island. I did not know that, but it was his intention to replace the tree. he wanted it and still wants it replaced. We did not want it to die either. I did not know we needed a permit to move a coconut palm but i do know the hard way i guess. Appreciate your help in this matter.

Thanks

Bob

On Mon, Apr 13, 2015 at 8:59 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Thank you for the information. FYI-transplanting a tree or a palm requires a permit from the Tree Commission in order to make sure the transplantation is done correctly and the tree lives. Under the permit conditions, if a transplanted trees dies within one year, it must be replaced. No permit was ever issued to transplant that palm.

I will tell the board that you wish to have your part of the hearing postponed until the next Tree Commission meeting which is May 12, 2015.

What is a proper mailing address for you?

Sincerely,

Karen

From: South Wind Pools [mailto:southwindpools@gmail.com]
Sent: Monday, April 13, 2015 8:33 AM

To: Karen DeMaria
Subject: Re: 922 Catherine St

Karen

We moved it to transplant the tree on the property. It was not my intention to remove the tree or his the owner. We simply wanted to move it out of the way to a better location. It unfortunately died we did all we could it was a nice tree. He and i did not want it removed just relocated. We sold the coffee shop and moved out of our house also, to stock island. Thought we had updated addresses. To clarify yes i moved the tree it was moved 5 feet to corner were it died some time later. We did not remove tree. I dont know who removed it when it died nor did i see it dead. Not sure when but it was ok for a few months. Would like a continuance as i was not notified and will be out of town tomorrow.

Thanks

Bob

On Mon, Apr 13, 2015 at 8:22 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Robert:

What is your mailing address? We have sent several notices both regular mail and certified mail to different addresses and only one came back-a certified letter to 505 Southard St. I would have thought you would have received one of the many letters.

The Tree Commission may decide to proceed forward with the administrative hearing against you or they may not. I know both the property owner and the landscaper are agreeing to move forward to resolve the issue and both have said that it was your company that removed the coconut palm. Did your company remove the coconut palm or not and if so, why?

Sincerely,

Karen

From: South Wind Pools [mailto:southwindpools@gmail.com]

Sent: Saturday, April 11, 2015 8:32 AM

To: Karen DeMaria

Subject: Re: 922 Catherine St

Karen

I will be out of town on Tuesday this is the first notice i have received. I would love to be there but am unable please reschedule if needed.

Thanks

Robert

On Fri, Apr 10, 2015 at 11:35 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Bob:

Attached is a copy of the Administrative Hearing notice for the Tree Commission meeting to be held this Tuesday, April 14, 2015. Since I have not heard from you I wanted to remind you that you are on the agenda for this Tuesday, item #20. The Tree Commission will be discussing the resolution of this file with the property owner and the landscaper. You are expected to attend.

Sincerely,

Karen

Karen DeMaria

Urban Forestry Manager/Tree Commission

Certified Arborist

[305-809-3768](tel:305-809-3768)

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South Wind Pools & Plumbing
(305) 294-POOL (7665) Office
[305-296-4133](tel:305-296-4133) Fax

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South Wind Pools & Plumbing
(305) 294-POOL (7665) Office
[\(305\) 296-4133](tel:3052964133) Fax

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South Wind Pools & Plumbing
(305) 294-POOL (7665) Office
(305) 296-4133 Fax

City of Key West
Historic Architectural Review Commission
Certificate of Appropriateness
Key West Florida
(305) 809-3956

Application Number 14-01001729 Date 11/26/14
Application pin number 555234
Property Address 922 CATHERINE ST
RE #/PARCEL #/TAX ID etc 0003-2080-000000-
Previous utility acct # 1032867.00
Application type description HARC APPLICATION - POOL/SPA
Subdivision Name
Property Use 010D
Property Zoning HIGH DENSITY RESIDENTIAL
Application valuation 24900

Owner	Contractor
LEOHR LESLIE SR 2002 TRUST	SOUTH WIND POOLS (POOL)
2247 ROLLINGWOOD DR	POB 387
MEDINA OH 44256	KEY WEST FL 33041
	(305) 294-7665

Permit HARC PERMIT
Additional desc GH
Permit Fee 100.00 Plan Check Fee00
Issue Date 11/26/14 Valuation 0
Expiration Date 11/25/16

Qty	Unit Charge	Per	BASE FEE	Extension
				100.00

Special Notes and Comments
Construct new in ground concrete pool
(8x16). Tiled wall water feature
(5'Wx3'H). Pool safety net. Remove
existing steps. (JoB) **HSA 11/25/14
Barrier will be placed over back porch
where stairs are removed. (KP)**

Other Fees HARC FEE MINOR PROJECT 50.00
HARC FEE INSPECTION 25.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	100.00	.00	.00	100.00
Plan Check Total	.00	.00	.00	.00
Other Fee Total	75.00	50.00	.00	25.00
Grand Total	175.00	50.00	.00	125.00

Oper: KEYWELD Type: BP Drawer: 1
Date: 11/26/14 50 Receipt no: 6371
2014 1001729
PT * BUILDING PERMITS-NEW
1.00 \$125.00
Trans number: 3031520
CK CHECK 16663 \$341.00

Trans date: 11/26/14 Time: 11:42:29

DATE ISSUED

BY



**CITY OF KEY WEST
BUILDING DEPARTMENT
CERTIFICATE OF APPROPRIATENESS**

10-30-2014 011729

APPLICATION # _____

OWNER'S NAME:

Leslie S.R. Lehr 2002 Trust

DATE:

10/27/14

OWNER'S ADDRESS:

2245 Rottingwood Drive
Medina, OH 44256

PHONE #:

(330) 416-0500

APPLICANT'S NAME:

South Wind Pools

PHONE #:

294-7665

APPLICANT'S ADDRESS:

2429 Fegarty Ave

ADDRESS OF CONSTRUCTION:

922 Catherine Street

OF
UNITS

1

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT.

DETAILED DESCRIPTION OF WORK:

- construct new inground concrete pool 8x16
- tiled wall Water Feature 5w x 3H
- Pool Safety net
- remove existing stairs

**Barrier will be placed over back porch where*
Chapter 837.06 F.S.-False Official Statements - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or 775.083

Stairs are removed.

This application for Certificate of Appropriateness must precede applications for building permits, right of way permits, variances, and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required Submittals will be considered incomplete and will not be reviewed for approval.

Date:

10/27/14

Applicant's Signature:

Required Submittals

TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions)
TREE REMOVAL PERMIT (if applicable)
PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehabs, or expansions)
PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings and additions)
ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES

Staff Use Only

User: KEYWJOC Date: 10/31/14 Receipt no: 327

PT Date: 10/25/14 BUILDING PERMITS-NEW

Trans number: 16591 Staff Approval: *740*

OK CHECK 11/25/14 Fee Due: \$100 Time: 13:00:13

HISTORIC ARCHITECTURAL REVIEW APPLICATION



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: 1032867 Parcel ID: 00032080-000000

Ownership Details

Mailing Address:

LEOHR LESLIE SR 2002 TRUST AMENDED 12/13/2002
 2247 ROLLINGWOOD DR
 MEDINA, OH 44256-5985

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW

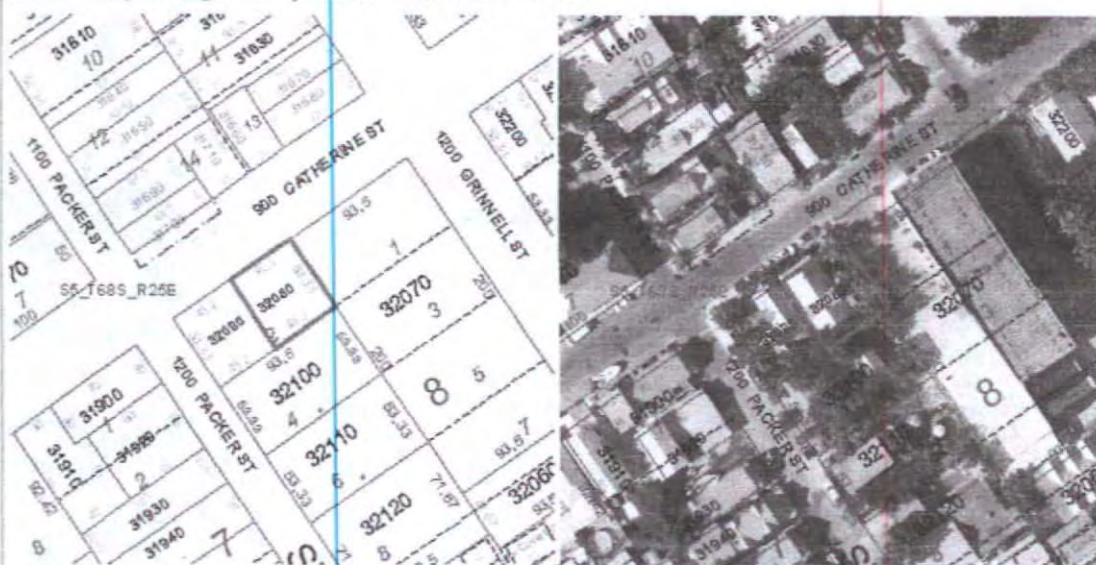
Affordable
 Housing: No

Section-Township-
 Range: 05-88-25

Property Location: 922 CATHERINE ST KEY WEST

Legal Description: KW G G WATSON SUB I-209 PT LOT 2 SQR 8 TR 13 E1-314 G50-368/69 G55-64/65 OR276-23/24 OR815-2044/46 OR848-540/41 OR1018-484
 OR1103-866 OR1243-1901/02C OR1243-1903AFF OR1243-1904/06 OR2074-839/840 OR2242-937/38C OR2242-989/90 OR2616-141/42
 OR2675-2287/88

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
01SD - RES SUPERIOR DRY	48	55	2,576.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 936
 Year Built: 1943

Building 1 Details