

# STAFF REPORT

DATE: July 27, 2015

RE: **822 Eaton Street (permit application # T15-7516)**

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

An application was received for the removal **of (1) Sapodilla tree**. A site inspection was done on July 23, 2015 and documented the following:

Tree Species: Sapodilla (Manilkara zapote)



TREE

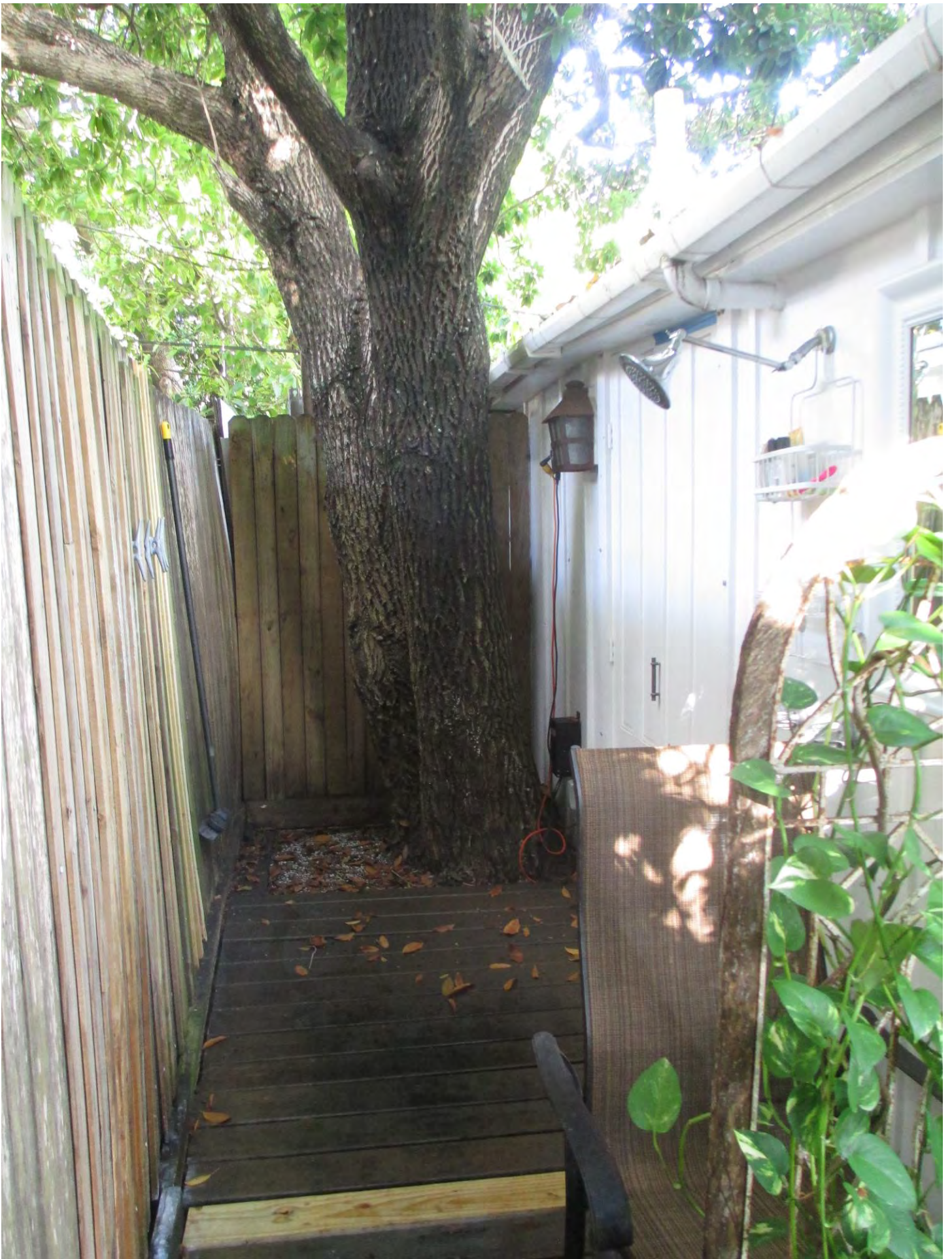






























Diameter: 34.7" (2 main trunks)

Location: 40% (back yard tree, impacting foundation of historic accessory structure)

Species: 100% (on protected tree list)

Condition: 60% (fair)

Total Average Value = 66%

**Value x Diameter = 22.9 replacement caliper inches**



# Application





7516

# Tree Permit Application

Date: JULY 15, 2015

Please Clearly Print All Information unless indicated otherwise.

Tree Address 822 EATON STREET - KEY WEST  
Cross/Corner Street BETWEEN MARGARET ST. & WILLIAM ST.  
List Tree Name(s) and Quantity SAPODILLA - 1  
Species Type(s) check all that apply ☐ Palm ☐ Flowering ☐ Fruit ☒ Shade ☐ Unsure  
Reason(s) for Application:  
☒ REMOVE ☐ Tree Health ☒ Safety ☒ Other/Explain below - SEE ATTACHED  
☐ TRANSPLANT ☐ New Location ☐ Same Property ☐ Other/Explain below  
☐ HEAVY MAINTENANCE ☐ Branch Removal ☐ Crown Cleaning/Thinning ☐ Crown Reduction  
Other/Explain SEE ATTACHED

Reason for Request DAMAGE TO STRUCTURE / POSSIBLE DAMAGE TO IN-GROUND POOL WITH NO ACTION

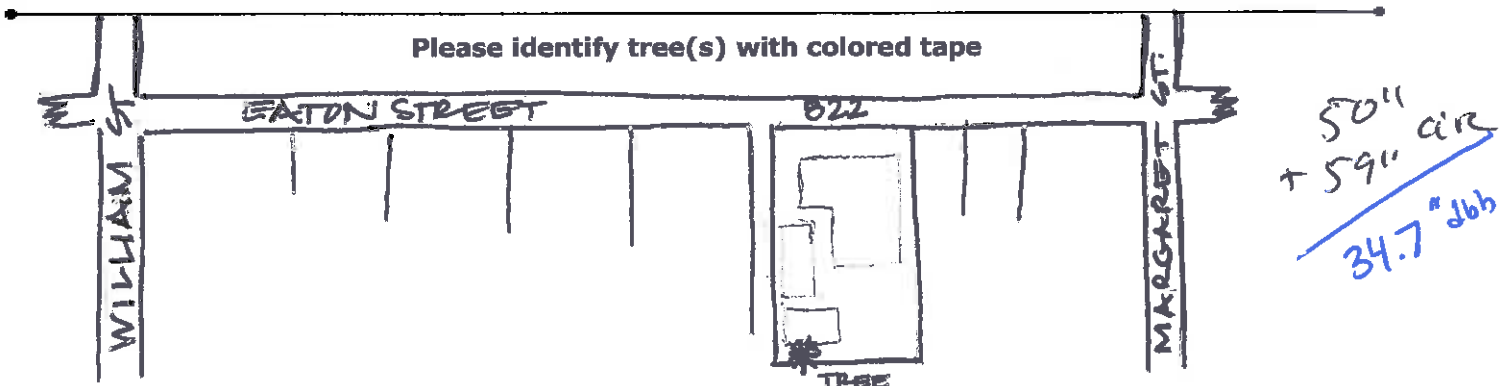
Property Owner Name DOUGLAS (KATE)  
Property Owner eMail Address KKKKT@MSN.COM  
Property Owner Mailing Address 822 EATON STREET  
Property Owner Mailing City KEY WEST State FL Zip 33040  
Property Owner Phone Number (425) 894-8875  
Property Owner Signature Kate Douglas

Representative Name NICK DOWNS  
Representative eMail Address A CARING TREE COMPANY @ GMAIL.COM  
Representative Mailing Address 19264 ALOSTA TRAIL  
Representative Mailing City SUGARLOAF KEY State FL Zip 33042  
Representative Phone Number (305) 432-1764

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 ☒

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



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





7516

**Tree Representation Authorization**Date: July 15, 2015

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 822 EATON STREET

Property Owner Name DOUGLAS (KATE)

Property Owner eMail Address KKKKT@MSN.COM

Property Owner Mailing Address 822 EATON STREET

Property Owner Mailing City KEY WEST State FL Zip 33040

Property Owner Phone Number (425) 894-8875

Property Owner Signature Kate Douglas

Representative Name NICK DOWNS

Representative eMail Address ACAPINGTREECOMPANY@GMAIL.COM

Representative Mailing Address 19264 ACOSTA TRAIL

Representative Mailing City SUGARLOAF KEY State FL Zip 33042

Representative Phone Number (305) 432-1764

I KATE DOUGLAS, 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 Kate Douglas

The forgoing instrument was acknowledged before me on this 20th day July, 2015

By (Print name of Affiant) Kate Elizabeth Douglas who is personally known to me or has produced Washing DL as identification and who did take an oath.

**NOTARY PUBLIC**

Sign Name: Janel Jeselskis Notary Public - State of Florida (seal)

Print Name: Janel K. Jeselskis

My Commission Expires: 9/25/17



JANEL K. JESELSKIS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF057279  
Expires 9/25/2017



Douglas Property  
822 Eaton Street, Key West, FL  
July 2015

The sapodilla behind the historic cottage is a large tree that unfortunately has grown much too close to the structure. It is imperative that action be taken to prevent further damage to the cottage and to prevent the roots of the tree from damaging the pool.

At first the option of elevating the structure of the cottage was considered in an effort to preserve the tree. This however is unsatisfactory for several reasons.

1. Temporary Solution

The sapodilla has grown such that a large portion of the trunk extends under/into the side of the historic cottage. The root system has grown underneath the structure which has caused the framing to bow at both the front and back; a major root now presents a threat to the integrity of the in-ground pool. A large limb, as seen in the attached photographs, extends over and above the cottage; in order to appropriately raise the structure above the trunk/root, this upper limb would need to be removed – clearly creating an imbalance to the tree. It is unclear whether the tree would recover from this loss combined with the extensive pruning required to balance the tree. Ultimately, the raising of the cottage would only be a temporary solution for, should the tree survive the heavy pruning, the tree limbs and roots would continue to grow and cause further damage to the structure and the pool.

2. Safety/Logistics Concerns

In order to provide an adequate distance above the trunk/limb and comply with flood zone requirements, the cottage structure would need to be elevated a minimum of one foot above the current base. Currently, the base of the cottage sits almost level with the ground. Elevating the base of the cottage would require that at least one step be installed to ensure proper ingress and egress out of both the front and back doors of the cottage. The door at the front opens out to the pool; a step here would provide a dangerous tripping hazard on the pool deck, would prevent ingress and egress from the side gate (our only handicapped accessible entry to the property), and would, at the back, impede/prevent use of the outdoor shower.

3. Cost Prohibitive

The following would be required to proceed with the elevating/raising of the historic cottage:

\*Variance Application/Process/Fee – the current structure was built upon the footprint of a structure that had been originally on that site since 1884 (or earlier).

\*HARC Application/Process/Fee – the home sits in the Historic District of Key West

\*Key West Building Permit Application/Process/Fee

\*Plumbing Permit/Fees

\*Electrical Permit/Fees

\*Architectural Fees

\*Flood Review Process/Fees

\*Construction Costs – removal of existing decking that surrounds cottage, labor and material costs to raise the structure and bring back to current level of finishing - both exterior and interior, new or replacement of decking – complete with newly required steps, rails, etc., and costs associated with meeting current codes and flood zone requirements.

\*Tree Pruning Costs

It is believed that the above remedy could easily exceed \$30,000, and, as described above, would be a five to seven year solution at best.

In summation, it is our belief that the optimal solution is the removal of the sapodilla tree that sits behind the historic cottage at the rear of 822 Eaton Street, Key West, FL. Please review the attached pages of photographs and a brief history of the property – references to the historic structure have been highlighted and the Sanborn Fire Insurance Maps included for reference.

Respectfully submitted,

The Douglas Family



Douglas Property  
822 Eaton Street, Key West, FL  
July 2015



This historic Cottage at 822 Eaton Street sits in same location as previous structures dating to before 1884.

A banana tree grows in the old well shown on many fire insurance maps. Door is to public right of way.

The sapodilla has grown much too close to the cottage. The bamboo fence marks the rear property boundary.

The cottage sits within three feet from the edge of the pool.



Douglas Property  
822 Eaton Street, Key West, FL  
July 2015



The sapodilla has grown beneath the historic cottage causing the structure to lift up; action must be taken to insure no further damage occurs. The roots have raised the deck planking, the cottage flooring and are approaching the in-ground pool walls. The photograph above illustrates the unevenness of the root structure beneath the cottage.

The sapodilla has two main trunks one of which splits about eight feet above the ground; one arm of the split overhangs the cottage.



Douglas Property  
822 Eaton Street, Key West, FL  
July 2015



Photographs from early 1990s – Note the decking and mango tree near the existing structure.



The well/cistern tower sits in front of the historic cottage.



Another view of the well/cistern tower shows the concrete well in which the banana tree currently grows.



Douglas Property  
822 Eaton Street, Key West, FL  
July 2015



These photographs of the historic cottage at 822 Eaton Street illustrate the extent of damage caused by the spreading roots of the sapodilla tree. The trunk and root system has lifted the decking as well as the framing of the cottage. It is imperative that further damage be prevented.

## BRIEF HISTORY OF THE PROPERTY AT

822 EATON STREET

KEY WEST, FLORIDA

**Feb. 1829** The plan for the city of Key West, Monroe County, Florida was delineated and platted by William Whitehead in what is called the "Whitehead Plat". Following the typical grid pattern, each block or square platted by Whitehead was divided into quarters with one quarter for each of Key West's four founders (John Whitehead, Pardon C. Greene, John W.C. Fleming, and John Simonton. For early Key West history refer to the article, "Key West: General History and Sketches" from Browne's "Key West: The Old and the New"

The piece of land upon which this house was eventually built was located in Square (Block) 34 which was bounded by Eaton Street, Margaret Street, Fleming Street, and William Street. The quarters within Square 34 were further divided into lots.

Ownership of the lots comprising Square 34 was assigned as follows: Simonton three lots, Fleming two lots, Greene four lots, and John Whitehead one lot. The plot of land upon which this house was built was located in Lot two which was owned by John Fleming.

**1832** John Fleming died in 1832 leaving his property to his wife, Mary, who later married G.B. Emerson.

**14 Dec. 1847** The Emersons sold Lot Two to John Kemp Jr., the son of Samuel Kemp Sr. of Harbour Island, Bahamas (Deed D311, Key West Deed Books). John was born 27 Dec. 1802 and died 12 Dec. 1866. On 23 Dec. 1825 he married Martha (Patty) Curry daughter of Benjamin and Mary Curry of Green Turtle Cay, Bahamas. Martha was born 19 Jan. 1804 and died in Key West 04 Jan. 1883.

**23 Dec. 1847** John Kemp sold the property to Benjamin Saunders for \$100 (Deed D535, Key West Deed Books). It is likely that Saunders built the house shortly after acquiring the property. Key West was devastated by the hurricane of 1846, but was rapidly rebuilt in the following years. A virtual twin of this house exists at 814 Eaton Street (see attached copy of 1965 photo) and may have been built by Benjamin Saunders. It is now part of the Island City House property and still has two roof dormers which were removed from the 822 house during its 1889 renovation.

**07 Aug. 1850** The 1850 Federal Census did not record street addresses of the residents of Key West. It has a Benjamin Saunders (a mariner from the Bahamas, age 36) and family (wife Jane, age 29, and daughters Elizabeth, age ten, and Mary, age six) listed on p.12.

**27 Jul. 1860** The 1860 Federal Census also omitted street names. The Benjamin Saunders family is listed on page 16. Living with Benjamin (now a day laborer) and Jane are Mary, (16), Amelia, (21), and Elizabeth (21) and her husband, John Thompson (25), a mariner. The occupation of the three adult women is listed as seamstress.

**1863** The house is on the 1863 Insurance Map of Key West (picture not available).

**31 Mar. 1868** Benjamin and Martha Curry Kemp, future owners of the house, arrived in Key West from the Bahamas. See Ancestry.com's Atlantic Ports Passenger Lists for the first quarter of 1868.

**27 Jun. 1870** The 1870 Federal Census has Jane Saunders, (45), the wife of Benjamin (not present), living with her daughters, Mary (24) and Amelia (13). Mary is married to a Benjamin Saunders (27) and they have a daughter, Mary (2). Also listed is Frank Thompson (8) who is likely the son of her other daughter, Elizabeth, and her husband, John, neither of whom is listed. The value of the house is given as \$500. See page 38, lines 18-23 of the census report.



26 Jun. 1880 In the 1880 Federal Census the Kemp household consisted of Benjamin (36), a grocer, Emily (34), and brother-in-law Samuel N. Johnson (42). When Emily's sister, Mary Johnson Sawyer, died in the Bahamas, Emily brought Mary's husband and four children to Key West to live with her. The children were Allen Sawyer (15), Frederick Sawyer (12), Annie Sawyer (10), and Martha Emily (Emmy) Sawyer. Allen, Frederick, and Annie were still living with her when the census was taken. See p. 24, lines 30-35 of the census report.

Benjamin and Emily Kemp had acquired numerous properties in addition to this house and also owned water front property and salvage vessels. Much of this property was held by Emily. The Kemps lived in a large house at the corner of Eaton and William streets.

05 Oct. 1880 Benjamin W. Kemp, son of John Kemp and Martha Curry Kemp, bought the house from Benjamin Saunders for \$640 (Deed K184, Key West Deed Books). Benjamin Kemp was born in the Bahamas in 10 Dec. 1842. He married Emily Jane Johnson 20 Aug. 1866 in Harbour Island, Eleuthra, Bahamas.

1884 A close examination of the houses on Eaton Street in the 1884 lithograph, "A Bird's Eye View of Key West, FL." by the C.S. Monroe Company shows this house with what appears to be two roof dormers still intact. The lithograph may be accessed on the Library of Congress website. A zoom feature permits a magnified view of many of the structures in Key West.

19 Jul. 1884 Emily Jane Johnson Kemp, wife of Benjamin W. Kemp, died this date. One report of her death indicates that she died of lock jaw after being bitten by a pig. The official cause was listed as malaria. She was the owner of this house and other properties in Key West.

**12 Dec. 1884** This house was appraised for \$1,950. The property consisted of one large house and three smaller structures (an outside kitchen, a shed, and a cistern).

12 Jun. 1885 In the 1885 Florida State Census, Martha Emily (Emmy) Sawyer, the future owner of this house, Ellen Sawyer, and Robert Sawyer are listed as the adopted children of Benjamin Kemp and are living with him on Eaton Street. This census is part of the Florida State Census collection of Ancestry.com. See page 14, lines 36-39 of the census report. Martha is listed as Emma. She preferred to be called Emmy.

22 Nov. 1887 Emily Kemp's properties are divided among the four children of her deceased sister, Mary Johnson Sawyer. Martha Emily (Emmy) Johnson Sawyer selects this house as her own.

05 Jun. 1889 Martha Emily (Emmy) Sawyer married James R. Curry, Jr. the son of James R. Curry, Sr. and Ermina Ellen Sawyer. Major changes are made to the property including moving the house back from the street, removing the two roof dormers, raising the downstairs ceilings, and adding an interior staircase.

**1889** The 1889 Insurance Map of Key West identifies the property as number 812 Eaton Street and shows the one and a half story main building (still close to the street), a cistern, and two other outbuildings. A second number, 718, is also assigned the property and is probably from an earlier numbering system. See attached copy of the map. It is understood that a man of color, William, who helped around the property, lived in the shed structure at the back of the property. In 1990, the first owners who were not of the original family, found a 'prayer shelf' of sorts with the word "married" carved into the wood.

**1892** The 1892 Insurance Map of Key West shows that the main house (noted as one story although it was larger as a result of the renovations noted above) has been moved back from the road. There are three other structures as noted above. The house is still numbered as 812/718. See attached copy of the map.

**1899** The 1899 Insurance Map of Key West shows only one structure on the property, but there is an addition extending from the rear of the house. It has 822 as the house number although the 718 number is still present. It is believed that two other structures (a cistern and a shed) were still extant at this time although they don't appear on the map. See attached copy of the map.

04 Jun. 1900      The 1900 Federal Census has James R. Curry, Jr., Martha (Emmy) Curry, and five children living at 822 Eaton Street. The children are: Kelsey (10), Ediena (8), Ermina (5), Elsie (2), and May Rose (1). James is a bookkeeper (working on his own account) at the Gato Cigar Company of Key West. See sheet 3, lines 8-14 of the census report.

26 Apr. 1910      The 1910 Federal Census has the Curry family still living at 822 Eaton Street. They are all ten years older and there are two additional children. James E. is nine years old and Armond L. is five. James R. Curry is still a bookkeeper (working on his own account) at the Gato Cigar Company and Kelsey (20) is a cigar maker. See sheet 3, lines 57-65 of the census report.

1912              The 1912 Insurance Map of Key West shows 822 Eaton Street as a one and a half story house with an extension added to the rear of the main building. It has been moved back from the street. There is a cistern, a 15' water tower, and a shed/cottage on the property. See attached copy of the map.

02 Jan. 1920      In the 1920 Federal Census the Curry family is living at 822 Eaton Street. James is 52 and is employed at the Gato Cigar Company as a manager. The other members of the family are: Martha (Emmy) is 49, Kelsey is 29 and a cigar maker, Ediena is 26, Ermina (Emmie) is 23 and is a public school teacher, May Rose is 21, James is 18 and working as a carpenter, and Armond is 14. See sheet 1B, lines 53-60 of the census report..

11 May 1921      James R. Curry Jr., husband of Martha E. Curry and living at 822 Eaton Street, died this date.

04 Apr. 1930      In the 1930 Federal Census Martha E. Curry is 59 years old and a widow. Her daughter, Ermina (Emmie), is 36 and a sales lady in a dry goods store. The house is valued at \$1700. See sheet 5A, lines 34-35 of the census report.

1935              Florida State Census. Population Census, Monroe County, Precinct 3. Martha is 64 and the head of the family group at 822 Eaton Street. With her are her son Kelsey (44), who is working as a laborer, and her daughter, Ermina (41), who is a saleslady. All three have completed the 11<sup>th</sup> grade. This census is part of the Florida State Census 1867-1945 collection at Ancestry.com. This information is found on image 6/24 for precinct 3.

1945              Florida State Census. Monroe County, Precinct 5, White Census. Martha's age is recorded as 74. Only her daughter, Ermina, age 51 and doing clerical work, is living with her. This census is part of the Florida State Census collection at Ancestry.com. This information is found on image 19/38 for Precinct 5.

23 May 1946      Martha Emily Sawyer Curry transfers ownership of the house at 822 Eaton Street to her daughter, Ermina Elizabeth Curry.

17 Nov. 1949      Martha Emily Sawyer Curry died this date.

1973              Ermina Elizabeth Curry gives the house to her niece, Elsie Curry Freeman, who is the daughter of Ermina's brother, James Elgin Curry. Elsie married William A. Freeman Jr., Sheriff of Monroe County, 1978-1979. They lived at 724 Eaton Street.

05 Jan. 1974      Ermina Elizabeth Curry died this date. The Social Security Death Index has a December, 1973 death date. The January date is from her tombstone in the Key West Cemetery.

1974              The outside kitchen was torn down and an indoor kitchen added to the house.

1990              Elsie Curry Freeman sold the house to Michael Gallagher and Wayne King. These gentlemen, who are restaurateurs and hoteliers, owned the Palm Grill restaurant in Key West and currently own a B&B, Casa de los Desperados, in Palm Springs, California. They added central air conditioning and heat, extensively remodeled the kitchen, rebuilt/renovated the existing cottage/shed to serve as a guesthouse, and installed a large swimming pool. They also updated and refurbished the main house and grounds.

2000              Gallagher and King sold the house to John and Janet Marston-Hartwell. The Hartwells enlarged the upstairs, adding two bedrooms with baths and an upper level deck and an outside spiral staircase.



2010            The Hartwells sold the house to the Douglas family (Lawrence, Barbara, Tom and Mary, Kate, and Michael Downes. To date, they have made many improvements: stripped several walls to expose the Dade County pine, installed a brick patio and a coral walkway, added plantings to the front and rear yards, refurbished the upper and lower deck areas, and replaced older equipment with more energy efficient models (e.g., air conditioners and water-wasting toilets). The saga – and the work – continues.

Currently upon the property are many native plants: Jamaica caper, mango, Barbados cherry, lignum vitae, fiddlewood, golden dew drop, strongbark, thatch palm, *Cestrum nocturnum* (several). Other specimens include burle marx, crotons, dwarf powder puff, hibiscus, firespike, bougainvillea, banana, chenille plant, dracaenas, black aralias, pandora's vine, orange jasmine, glory bower, Japanese lantern hibiscus, flax lily, liriopse, philodendrons, bamboo palms, monster, *aglaonema silvi*, ixoras, *diffenbachia tiki*, gardenia, and more!

1889

# 1889 SANFORD INSURANCE MAP OF KEY WEST

SITOWING SQUARE # 34 AND  
SURROUNDING AREA



NOTE: SEE ENLARGED MAP OF SQUARE 34  
TO SEE 822 EATON - THEN 812



# 1889 SANFORD INSURANCE MAP OF KEY WEST

No. 9

SHEET

MR. FINLEY & SON'S CHART FAC

EE

TON



Group Title: Insurance maps of Key West, Florida

Title: Key West, Monroe County, Florida, 1889





**Group Title:** Insurance maps of Key West, Florida

**Title:** Key West, Monroe County, Florida, 1892



Group Title: Insurance maps of Key West, Florida

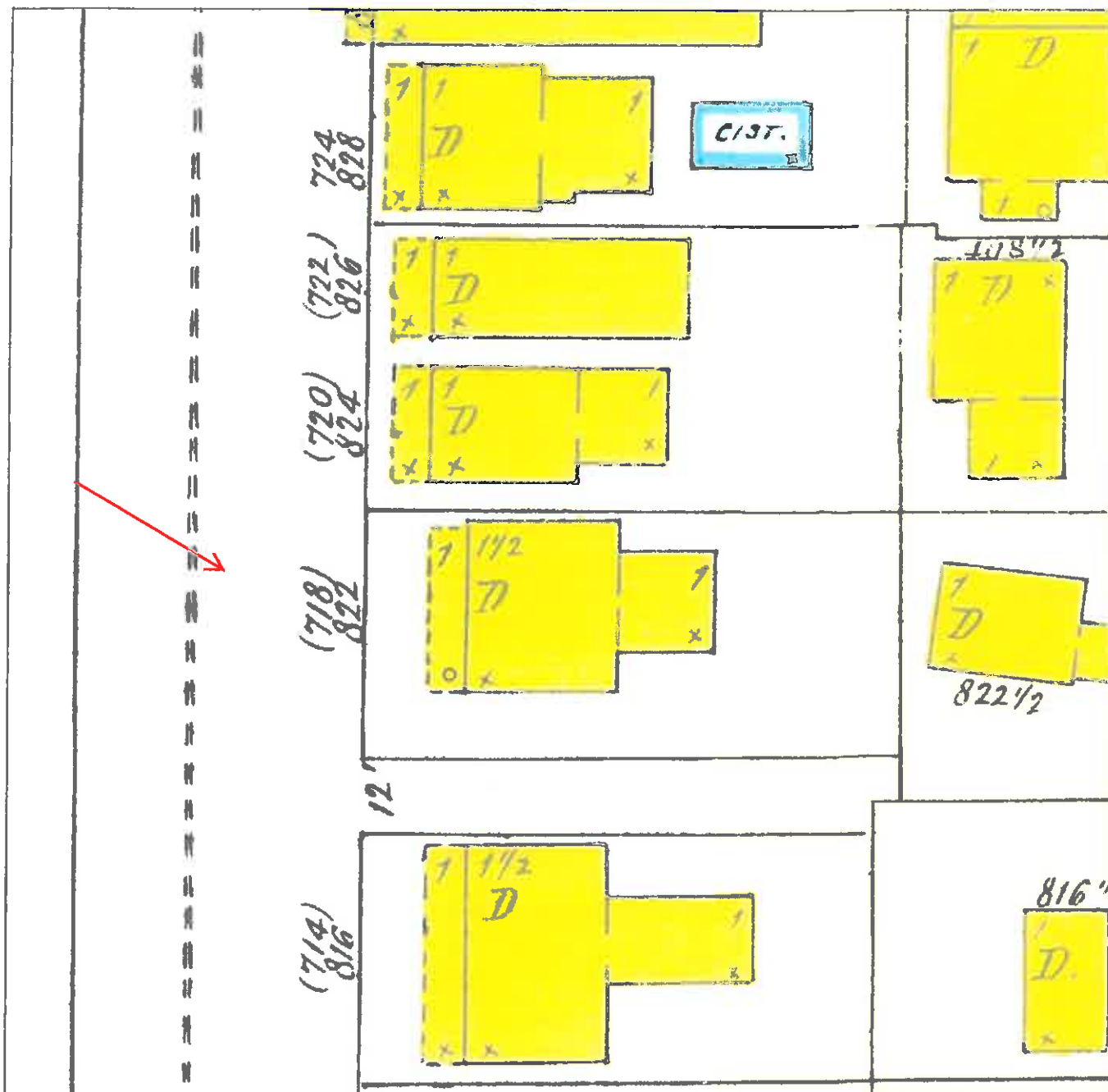
Title: Key West, Monroe County, Florida, 1892





Group Title: Insurance maps of Key West, Florida

Title: Key West, Monroe County, Florida, 1899



UF FLORIDA