

# **Administrative Hearing Notice**



## THE CITY OF KEY WEST

### Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3723

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## NOTICE OF ADMINISTRATIVE HEARING BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST

October 2, 2015

Tree Commission  
City of Key West  
Petitioner,

Vs.

Kenneth King  
1602 Laird Street  
Key West, FL 33040

And

Owen Ewing  
Key West PH LLC  
2165 Louisa Drive  
Bel Air Beach, FL 33786

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, October 13, 2015**, at 5:00 p.m., at Old City Hall, 510 Greene 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 July 20, 2015 at 1109 Windsor Lane**

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:** The canopy of one Silver Buttonwood tree was removed turning the tree into a hedge, without benefit of a major maintenance permit. A Japanese Fern tree greater than 4" diameter was removed without benefit of a tree removal permit.



Above photo taken June 2015



Photo of Japanese  
Fern tree stump taken  
July 2015



Photo of silver  
buttonwood tree taken  
July 2015

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 **2<sup>th</sup> day of October 2015.**

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

  
Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

# **Staff Report**

# STAFF REPORT

DATE: October 1, 2015

**RE: 1109 Windsor Street**

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

In June 2015, I was asked by a tree trimming company to look at several trees at 1109 Windsor Lane regarding species and maintenance trimming and or removal of the trees. On June 19, 2015 the following photos were taken of the area:



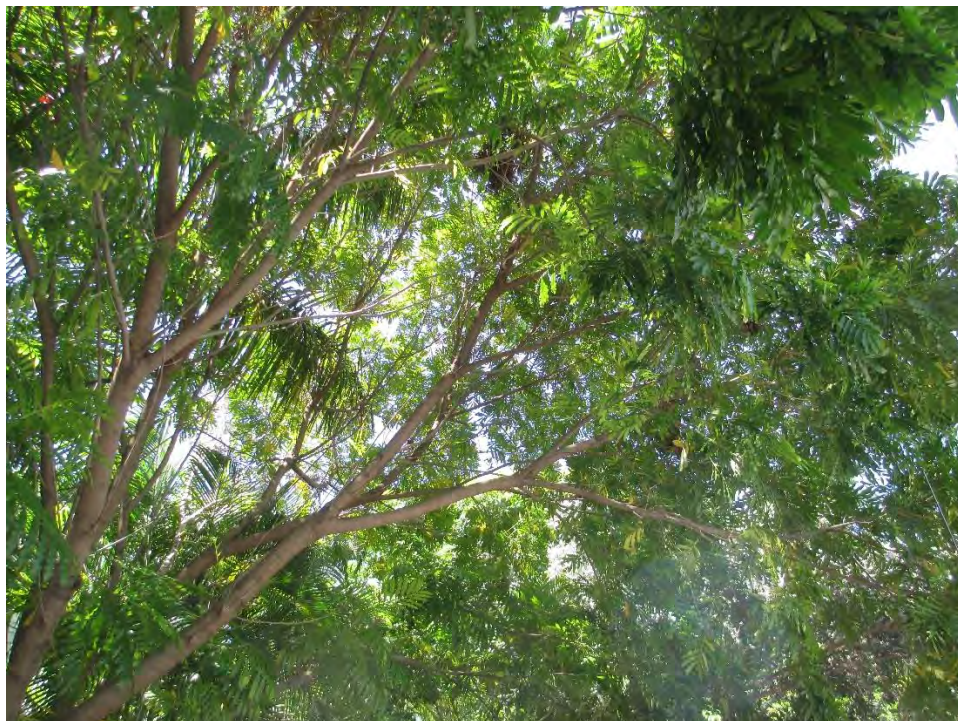


Japanese Fern tree

Silver  
Buttonwood tree



Canopy of Japanese  
Fern tree 6-19-15



On July 21, 2015, during a drive through the area I noticed that the Japanese Fern tree was gone and the silver buttonwood tree had been cut to hedge height.







**Caliper of Japanese Fern Stump: 9.8"**

Location: 80%

Species: 50% (not on protected or not protected tree list,  
**regulated because it was over 4" diameter**)

Condition: 70% (fair to good-needed a proper maintenance  
trimming of the canopy)

Total Average Value = 66%

**Total diameter of impacted silver buttonwood tree = 13.4"**

Location: 65% (canopy impacted by Japanese Fern tree)

Species: 100% (on protected tree list)

Condition: 50% (fair to poor-tree elongated with a heavy lean  
toward the sun due to impacts from the Japanese Fern tree  
canopy, poor structure)

Total Average Value = 71%

**Recommend the processing of an after-the-fact permit to  
include full replacement of the trees, total of 23 caliper  
inches.**