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

October 19, 2015

Tree Commission City of Key West Petitioner,

Vs.

Rick Dostal 210 Truman Avenue Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 10, 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 October 5, 2015 at 210 Truman Avenue

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:
 - (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
- (c) Additional prohibitions.
 - (1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.

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 roots of one (1) large diameter Spanish Lime tree had been cut for the installation of footers for a shed.



Footer #1



Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.





Footer #2

Kev to the Caribbean – average yearly temperature 77 ° Fahrenheit.

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 regular mail and certified U.S. Mail to the above named Respondent's listed address on this **19**th **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

SENDER: COMPLETE THIS	SECTION	COMPLETE THIS SECTION ON DI	ELIVERY			
 Complete items 1, 2, and 3 item 4 if Restricted Delivery Print your name and address that we can return the contact attach this card to the back or on the front if space per 	r is desired. ss on the reverse ard to you. c of the mailpiece.	A. Signature X B. Received by (Printed Name)	☐ Agent ☐ Addressed C. Date of Delivery			
Rick Dostal 210 Truman Avenue Key West, FL 33040		D/ is delivery address different from from 17				
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		4. Restricted Delivery? (Extra Fee)	☐ Yes			
2. Article Number (Transfer from service laber)	7003 0500	0005 5PP5 5474				
S Form 3811, February 2004	Domestic Ret	urn Receipt	102595-02-M-1540			



S = large Sapodilla SL = large Spanish lime ---: approximate drip line of trees

> Plan /NTS /KKD Sitevisits 10.5.15 10.23.15

Staff Report

STAFF REPORT

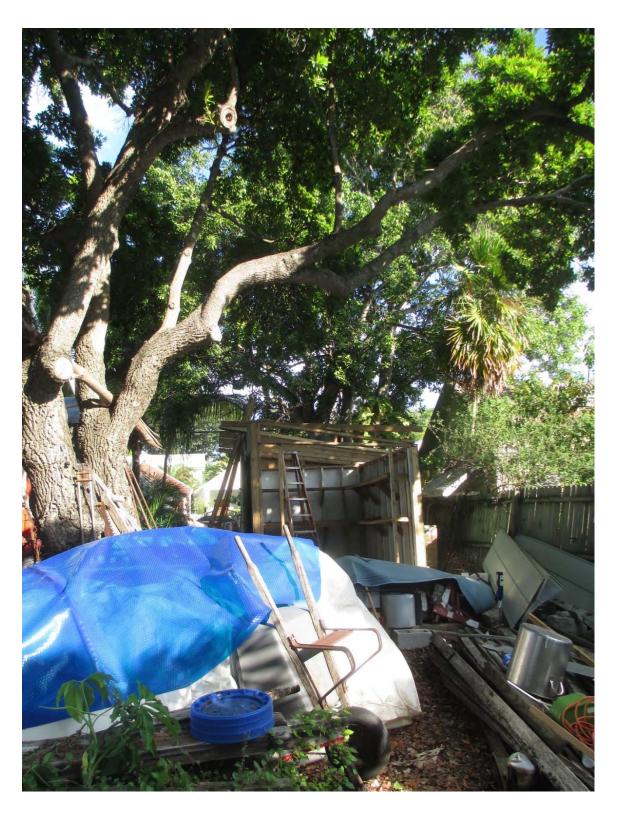
DATE: November 2, 2015

RE: Administrative Hearing, 210 Truman Avenue

On September 28, 2015, an application was received by the Building Department to make changes to an issued building permit to construct a shed at 210 Truman Avenue. The original permit was issued on August 20, 2015. Because the property is in the historic district, the permit had to be evaluated and approved by HARC. In the HARC staff report written in April 2015, a comment was made regarding concerns from the Urban Forestry Manager over possible impacts of construction from the shed on two large trees in the area. No comments regarding concerns of the Urban Forestry Manager or the need of the applicant to consult with the Urban Forestry Manager was printed on the original building permit. The request by the property owner to revise the application was made in order to move a footer/pier away from a tree (as stated on the permit application).

An inspection of the property and work area on October 5, 2015 indicated that roots of a large diameter Spanish Lime tree had been cut. Subsequently, a request was made to Code Enforcement to place a Stop Work Order on the building permit for the shed construction on the property. Conversation with the property owner, Rick Dostal, indicated that he moved the footer/pier from its original location because of a large surface root. He knew he shouldn't cut the surface root but did not think cutting roots in the ground would cause any harm to the tree.

October 5, 2015 site inspection:



Standing in the rear of the property looking toward Truman Ave at the work area. And the existing shed.





Hole #1



Hole #2



Hole #2 close up



Hole #3



Hole #4



Hole #4 close up

Note: A root was cut in Hole #4 but the root is less than 3" diameter and the cut is located 9 ft away from the base of the tree. The cut is a clean cut, therefore, there are no issues with this cut.

October 23, 2015 Site Inspection:







Hole #1



Looking down at Hole #2 and its location in relation to the bae of the trunk.





View of root cuts in Hole #2



The bundle of root cuts of various sizes in Hole #2 are less than 2 ft from the base of the tree and required a root pruning permit due to the proximity of the cut roots to the base of the tree. The cuts are clean cuts.

Hole #1





It appears that a large root was cut to create Hole #1. This cut would have also required a root pruning permit. The cut is a clean cut.





Above photos show the area where the original Hole #2 was to be located.

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

	Application Number Application pin number Property Address RE #/PARCEL #/TAX ID e Previous utility acct Application type descr Subdivision Name Property Use Property Zoning Application valuation	ţc iption	15-01000 709024 210 TRUM 0092-680 HARC APE 010D MEDIUM I	0288 MAN AVE 00-000000- 1027596 PLICATION - 1 DENSITY RES	Date .00 BUILDING	8/20/15
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Pate: #/88/15 1.48 Pate: #/5.88
Pate: #/88/188/146C \$222.76

DATE ISSUED

Teams date: 6/20/15

Time: 12:56:81

BY

COMBINATION APPLICATION: FLOODPLAIN, CONSTRUCTION AND HARC



-City of Key West

3140 FLAGLER AVENUE KEY WEST, FLORIDA 33040

Phone: 305.809.3956

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RE # OR ALTERNATE KEY:							
NAME ON DEED:	RICHARD	DOSTAL	PHONE NUMBER	66.0239			
OWNER'S MAILING ADDRESS:		on AVC	CAPTRIC	CL CEARTHLINK UCT			
CONTRACTOR COMPANY NAME:	NA		PHONE NUMBER	R			
CONTRACTOR'S CONTACT PERSON:			EMAIL				
ARCHITECT / ENGINEER'S NAME:	WM- 106A	N	PHONE NUMBER	R			
ARCHITECT / ENGINEER'S ADDRESS:	888-706-CA	THERINEST	EMAN.				
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15-01-288

COMBINATION APPLICATION: FLOODPLAIN, CONSTRUCTION AND HARC \$50.00 APPLICATION FEE NON-REFUNDABLE

City of Key West

City of Key West

3140 FLAGLER AVENUE

KEY WEST, FLORIDA 33040

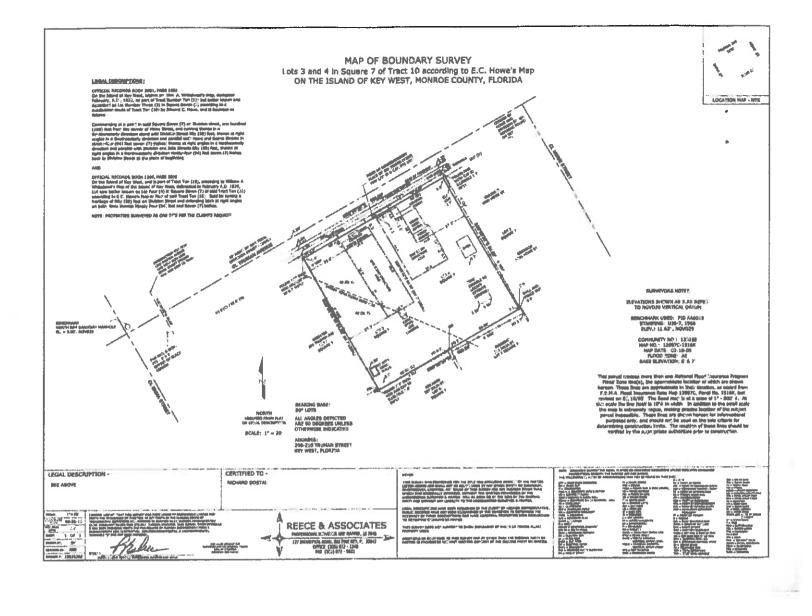
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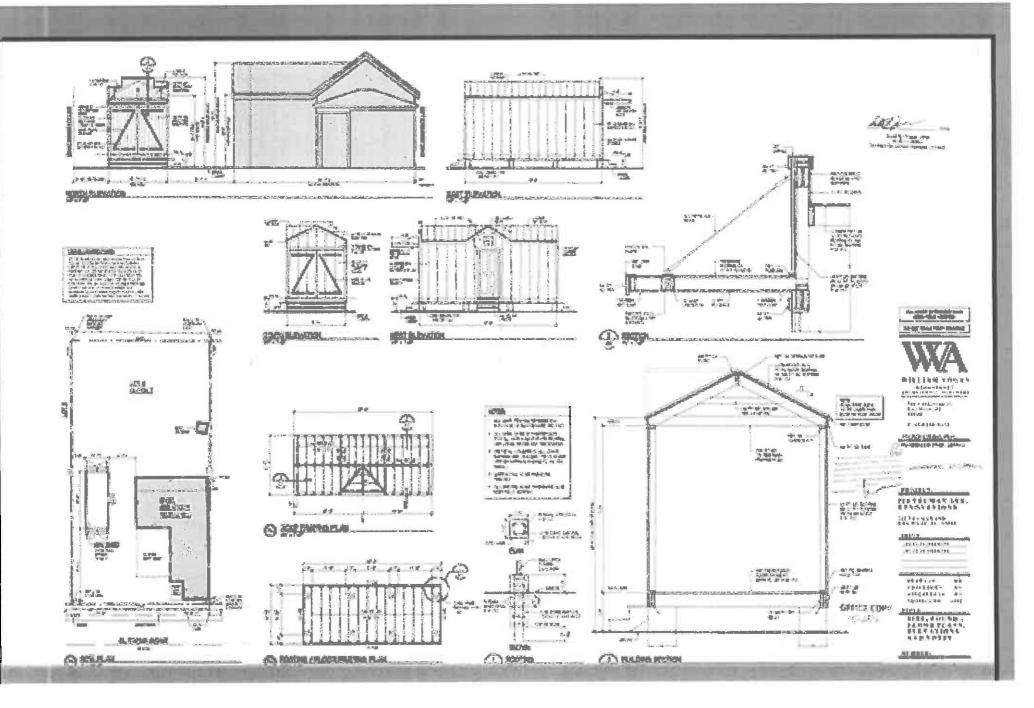
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CONTRACTOR'S CONTACT PERSON:			EMAS.		
ARCHITECT / ENGINEER'S NAME:	WM. VOG	ANJ	PHONE NUMBER	96.443	
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Staff Report for Item 3b

To: Chairman Michael Miller and Historic Architectural Review

Commission Members

From: Kelly Perkins

HARC Assistant Planner

Meeting Date: April 28, 2015

Applicant: Richard Dostal

Application Number: H15-01-0288

Address: #210 Truman Avenue

Description of Work:

Demolition of wood shed.

Site Facts:

#210 Truman Avenue is listed as a contributing resource and was constructed c.1923 according to the survey. The single story, frame vernacular house is situated on a large lot. There is a small wooden shed to the east side of the main house, but it is not historic.

Ordinance Cited in Review:

Sec. 102-217 (2): Demolition of non-historic or non-contributing buildings, Sec. 102-218: Criteria for demolitions, and Sec. 102-125: Historic architectural review commission findings precedent to issuance in the Land Development Regulations.

Staff Analysis

This Certificate of Appropriateness proposes the demolition of a wood shed that is situated to the side of a contributing house. It is not historic and is visible to the street. Staff believes it does not meet any of the criteria listed in Sec.102-125, and therefore it can be considered for demolition. As it is not historic, only one reading is required for demolition.

There are two large trees in the area, and the Urban Forestry Manager has concerns over the impact of constructing the shed. She will need to be consulted before any permits are issued for this shed.

Consistency with the Guidelines

- 1. The guidelines state that outbuildings should be compatible with the principal structure on the lot in terms of materials, detailing, color, style design, height, scale, and massing. The scale of this shed is too tall, as it will compete with the main house. The shed itself will be taller than the front porch of the main house. The shed is out of proportion in terms of its height compared to its width, and its overall size compared to the main house.
- The design of new outbuildings must be complementary to the existing screetscape if visible from the public right-of-way. This structure will be visible from the public right-ofway, and
- 3. If the siting of an outbuilding is considered inappropriate or intrusive to the historic district, it may be denied.

Staff feels that due to the size and proportion of the shed, its siting will be intrusive to the historic district. It will be very publicly visible and is not complementary to the existing streetscape. The lot for this property is quite large, and there are other places to locate the shed on the site. Therefore, staff feels the proposed project is inconsistent with the guidelines regarding outbuildings, due to its size, proportions, massing, and siting.

COMBINATION APPLICATION: FLOODPLAIN, CONSTRUCTION AND HARC

\$50.00 APPLICATION FEE NON-REFUNDABLE



City of Key West

3140 FLAGLER AVENUE KEY WEST, FLORIDA 33040

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FLOOD ZONE	PANEL#	ELEV. L. FL.	SUBSTANTIAL	IMPROVEMENT	%

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CONTRACTOR COMPANY NAME:	SCLF		SEPTEMBER	PHONE NUMBER	
CONTRACTOR'S CONTACT PERSON:			MA	EMAIL	
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PART B: SUPPLEMENTARY PROJECT DETAILS TO AVOID DELAYS / CALL-BACKS

PROPERTY STRUCTURES AFFECTED BY PROJECT: MAIN STRUCTURE ACCESSORY STRUCTURE SITE									
——————————————————————————————————————									
ACCESSORY STRUCTURES: GARAGE / CARPORT DECK FENCE OUTBUILDING / SHED									
FENCE STRUCTURES: 4 FT 6 FT. SOLID 6 FT. / TOP 2 FT. 50% OPEN									
POOLS: INGROUND ABOVE GROUND SPA / HOT TUB PRIVATE PUBLIC PUBLIC PUBLIC POOLS REQUIRE BD. OF HEALTH LICENSE APPLICATION AT TIME OF CITY APPLICATION.									
PUBLIC POOLS REQUIRE BD. OF HEALTH LICENSE PRIOR TO RECEIVING THE CITY CERTIFICATE OF OCCUPANCY.									
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FLORIDA ACCESSIBILITY CODE: 20% OF PROJECT FUNDS INVESTED IN ACCESSIBILITY FEATURES.									
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POLE WALL PROJECTING AWNING HANGING WINDOW SQ. FT. OF EACH SIGN FACE:									
SUBCONTRACTORS / SPECIALTY CONTRACTORS SUPPLEMENTARY INFORMATION:									
MECHANICAL: DUCTWORKCOMMERCIAL EXH. HOOD INTAKE / EXH. FANS LPG TANKS									
A / C: COMPLETE SYSTEM AIR HANDLER CONDENSER MINI-SPLIT									
ELECTRICAL: LIGHTING RECEPTACLES HOOK-UP EQUIPMENT LOW VOLTAGE									
SERVICE:OVERHEAD UNDERGROUND 1 PHASE 3 PHASE AMPS									
PLUMBING: ONE SEWER LATERAL PER BLDG INGROUND GREASE INTCPTRS LPG TANKS									
RESTROOMS: MEN'S WOMEN'S UNISEX ACCESSIBLE									
PART C: HARC APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS									
APPLICATION FEES: PAINTING SINGLE FAMILY: \$10 STAFF APPROVAL: \$50 COMMISSION REVIEW \$100									
PLEASE ATTACH APPROPRIATE VARIANCES / RESOLUTIONS FROM HARC, PLANNING BOARD OR TREE COMMISSION.									
ATTENTION: NO BUILDING PERMITS WILL BE ISSUED PRIOR TO HARC APPROVAL.									
Sign Control of the C									
PLEASE SEND ELECTRONIC SUBMISSIONS TO: harc@cityofkeywest-fl.gov									
INDICATE TYPE OF CERTIFICATE. OF APPROPRIATENESS:GENERALDEMOLITIONSIGNPAINTINGOTHER									
ADDITIONAL INFORMATION:									
PROJECT SPECIFICATIONS: PLEASE PROVIDE PHOTOS OF EXISTING CONDITIONS, PLANS, PRODUCT SAMPLES, TECHNICAL DATA									
ARCHITECTURAL FEATURES TO BE ALTERED: ORIGINAL MATERIAL: PROPOSED MATERIAL:									
DEMOLITION: PLEASE FILL OUT THE HARC APPENDIX FOR PROPOSED DEMOLITION.									
DEMOLITION OF HISTORIC STRUCTURES IS NOT ENCOURAGED BY THE HISTORIC ARCHITECTURAL REVIEW COMMISSION.									
SIGNAGE: (SEE PART B) BUSINESS SIGN BRAND SIGN OTHER:									
BUSINESS LICENSE # IF FAÇADE MOUNTED, SQ. FT. OF FAÇADE									

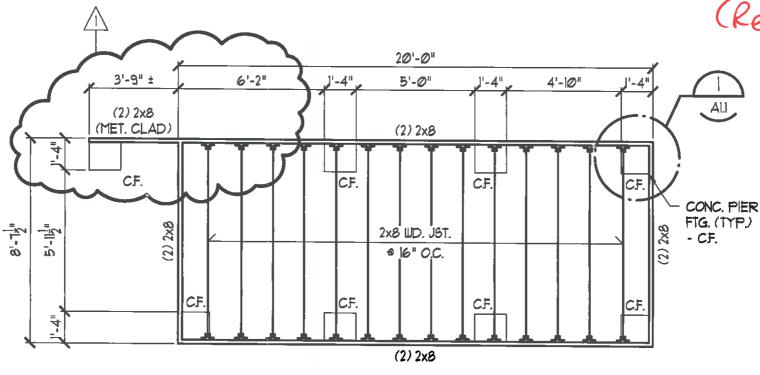
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Page 3 of 4

Trans date: 3/29/15 Trans English

OFFICE COPY

15-2816 (Revision)





FOOTING / FLOOR FRAMING PLAN
1/4" = 1'-0"

PLANS REVIEWED BY BUILDING 49 THEREBY AGREE TO COMPLY WITH ALL ORDINANCES OF THE CITY OF KEY WEST AND ALL FEDERAL, STATE AND MONROE COUNTY LAWS WHETHER SHOWN ON THIS PLAN OR NOT.

OWNER/AGENT

DO NOT SCALE PRICH DRAININGS

MARGETREES ARCHITECTAL TEAMNERS

706 Calherine St. Kell Wast, FL. 33848

T: (306)296-4436

ARCHITECTURAL SEAL:
FLORIDA LICENSE: ARRILLI

welliam Dogo AR 99121

PROJECT:

210 TRUMANAVE. RENOVATIONS

216 TRUMANAVE. KEY WEST, FL. 33646

ISSUE:

(25-23-15) PRRMITS (27-16-15) PERMITS A 181-17-191 PTG. REVISION

> DRAUNBEL CHECKED BA

APPROVED BY: WY PROJECT NG. 1401

TITLE: FOUNDATION PLAN

NUMBER: 89-21-16 k (pdf)



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 -Website tested on IE8. Maps are now launching the new map application version of Flash 10.3 or higher

Alternate Key: 1027596 Parcel ID: 00026800-000000

Ownership Details

Mailing Address: DOSTAL RICHARD A 210 TRUMAN AVE KEY WEST, FL 30040

Property Details

PG Gode: 01 - SINGLE FAMILY

Millage Group: 11509

Affordable No

Housing:

Section-

Township- 06-68-25

Hange:

Property 210 TRUMAN AVE KEY WEST

Subdivision: Tracts 10 and 15

Legal RW P81-35-49 LOT 4 SOR 7 TR 19 H1-164 G24-253 OR878-35204 OR878-3650/C OR378-366/93 PROBAYE

Description: #60-66 CP-10 OR\$76-309010D/C OR\$75-3360/C OR\$77-9295 OR\$60-1004 PROBATE #63-57-OP-

250Rt 135-450b/G ORD366-2000010**/1-CASE** #62-646-62409(CMS) OR1470-090991(NOTICE)(LG)