

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

November 17, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Barracuda Builders of Key West
5601 3rd Avenue
Key West, FL 33040

Camila A. Duke
3812 Flagler Ave
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, December 8, 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 November 6, 2015 at 808 Ashe Street

Alleged code violation:

Sec. 110-256. Tree abuse.

- (a) *Generally.* Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.
- (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.

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

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) Spanish Lime tree had been improperly cut, without a permit, for the installation of a footer for a deck.





Key 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 **18th day of November 2015**.

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

A handwritten signature in blue ink, appearing to read 'Karen DeMaria', is written over a horizontal line.

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

7007 3020 0000 5349 0002

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**Camila A. Duke
 3812 Flagler Avenue
 Key West, FL 33040**

PS Form 3800, Aug 2001

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**Barracuda Builders
 5601 3rd Avenue
 Key West, FL 33040**

PS Form 3800, Aug 2001

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

**Barracuda Builders
 5601 3rd Avenue
 Key West, FL 33040**

2. Article Number
 (Transfer from service label)

7007 3020 0000 5349 1999

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 x *Cheryl Chalka* ☒ Agent ☐ Addressee
- B. Received by (Printed Name)
 CHERYL CHALKA
- C. Date of Delivery
 11-18-15
- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-02-M-1540

Staff Report

STAFF REPORT

DATE: November 23, 2015

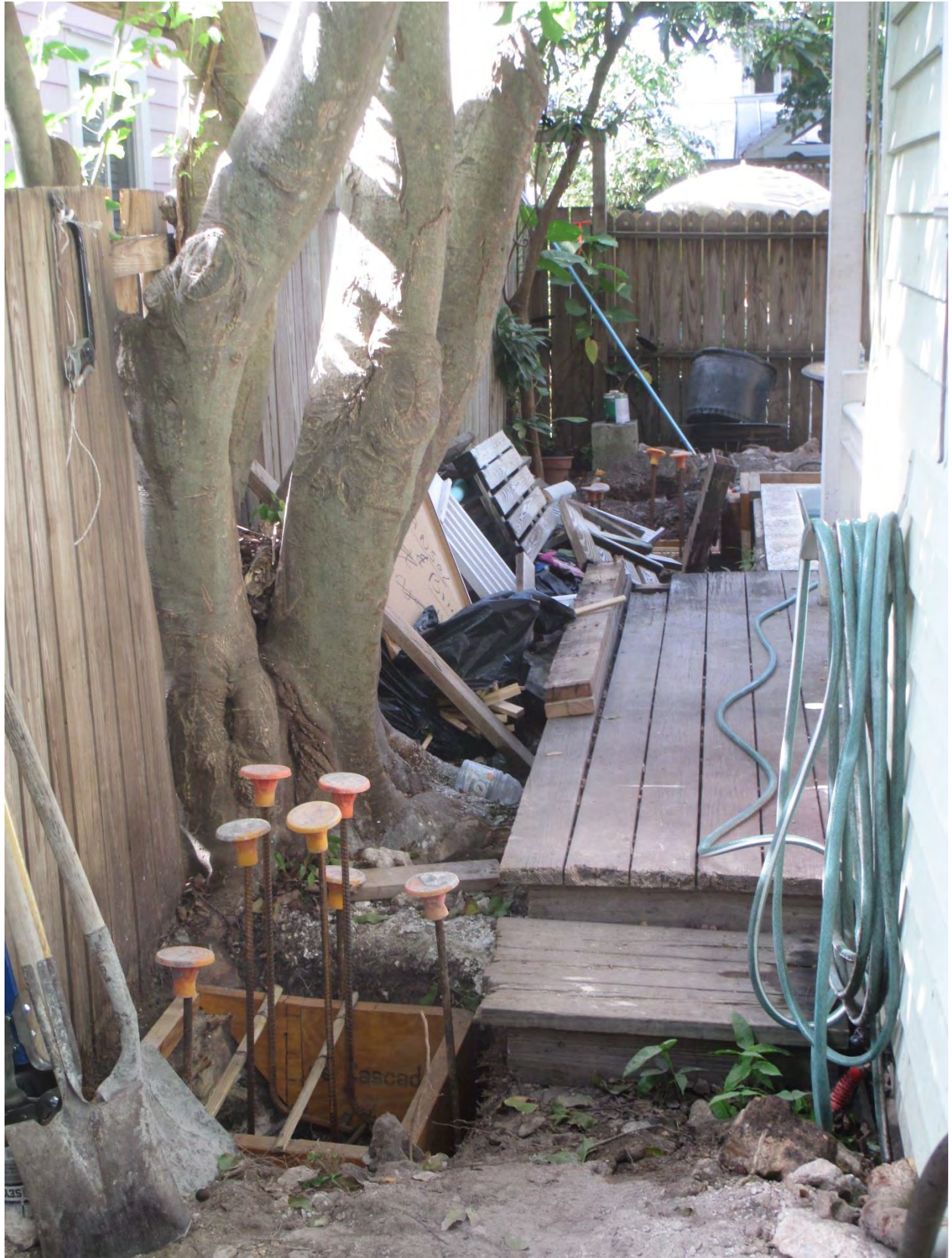
RE: Administrative Hearing, 808 Ashe Street

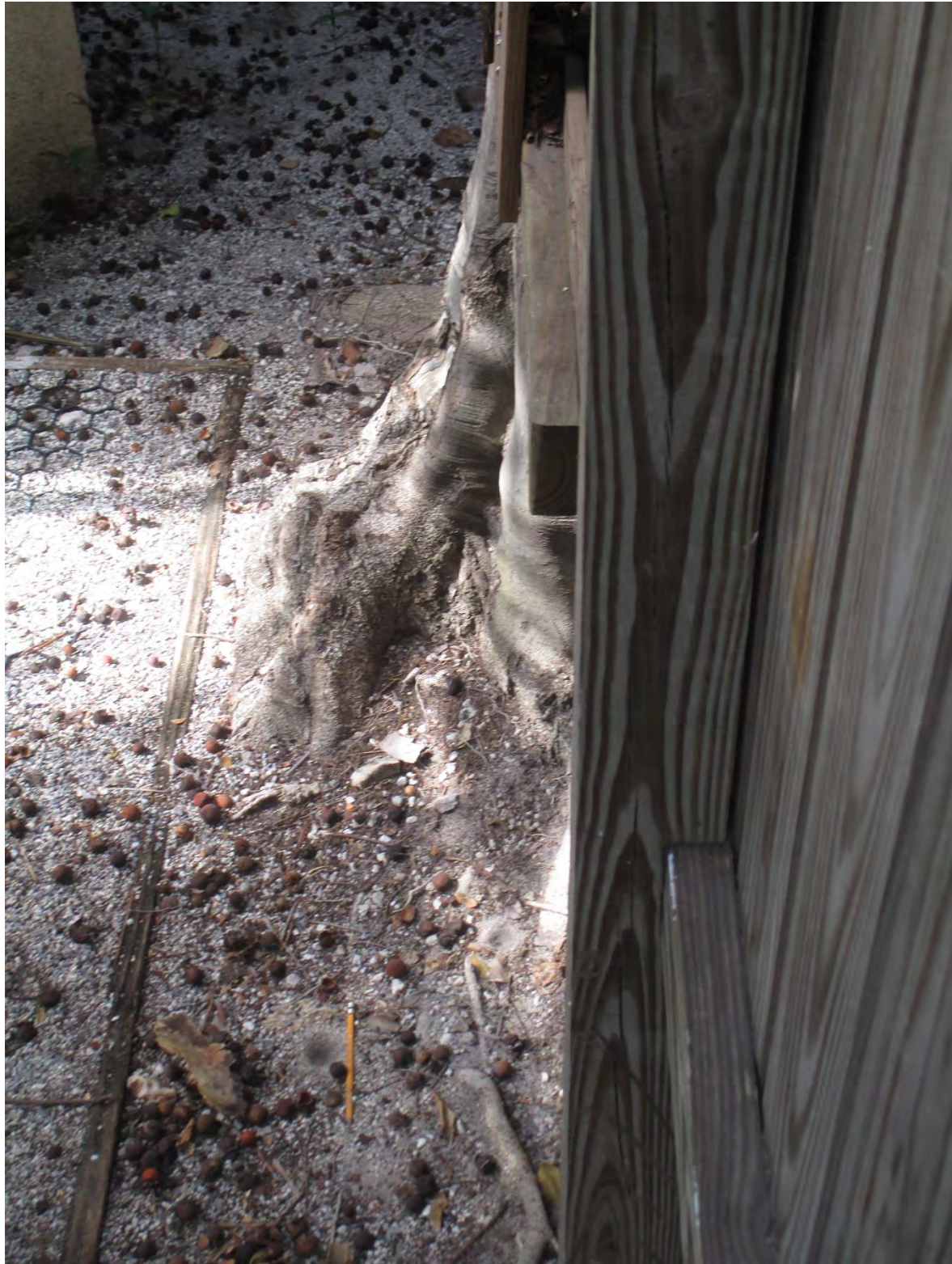
A complaint was received from David Ray, City of Key West Building Inspector, regarding the cutting of roots of a large tree for the placement of a deck footer. On Friday, November 6, 2015, an inspection of the site documented that a large root had been cut from a Spanish lime tree, a protected tree. The cutting of that root is a violation of the Tree Ordinance. A permit would have been required to cut that root which would have required an arborist to do the work and the cut would have had to have been a proper clean cut. The cut root appears to be a structural root and it was not a proper clean cut.





Canopy of the tree





Part of trunk of tree on neighbor's property.







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: 1023213 Parcel ID: 00022430-000000

Ownership Details

Mailing Address:

DUKE CAMILA A
3812 FLAGLER AVE
KEY WEST, FL 33040-4531

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW

Affordable Housing: No

Section-Township-
Range: 05-68-25

Property Location: 808 ASHE ST KEY WEST

Legal Description: KW PT LOT 8 SQR 4 TR 6 OR491-840/841 OR756-1230/1231 OR758-951/952 OR866-687 OR947-71C OR947-72 OR1009-70 OR1646-505/06

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	25	93	2,325.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 1472
Year Built: 1990

Building 1 Details

Building Type R1	Condition G	Quality Grade 550
Effective Age 15	Perimeter 248	Depreciation % 16
Year Built 1990	Special Arch 0	Grnd Floor Area 1,472
Functional Obs 0	Economic Obs 0	
Inclusions:	R1 includes 1 3-fixture bath and 1 kitchen.	
Roof Type GABLE/HIP	Roof Cover METAL	Foundation CONC BLOCK
Heat 1 FCD/AIR DUCTED	Heat 2 NONE	Bedrooms 2
Heat Src 1 ELECTRIC	Heat Src 2 NONE	
Extra Features:		
2 Fix Bath 1		Vacuum 0
3 Fix Bath 1		Garbage Disposal 0
4 Fix Bath 0		Compactor 0
5 Fix Bath 0		Security 0
6 Fix Bath 0		Intercom 0
7 Fix Bath 0		Fireplaces 0
Extra Fix 0		Dishwasher 0

Karen DeMaria

From: David Ray
Sent: Tuesday, November 10, 2015 8:51 AM
To: Karen DeMaria
Subject: RE: 808 Ashe Street

Application number : 15 00002882
Application type : RENOVIATION, CONVERSION: RESIDENTIAL
Property address : 808 ASHE ST
Tenant number, name :
Contractor name : BARRACUDA BUILDERS OF KEY WEST

Application number : 15 00002882
Property : 808 ASHE ST

CONTRACTOR

Name : BARRACUDA BUILDERS OF KEY WEST Contractor number:
Address : 5601 3RD AVE Bus lic number : 16 27819
Phone 1 : 305 396-7752
KEY WEST FL Phone 2 :
Zip : 33040 Phone 3 :
Phone 4 :

Email :

PROPERTY OWNER

Name : DUKE CAMILA A
Address : 3812 FLAGLER AVE
KEY WEST, FL Phone 1 : 305 393-5797
KEY WEST FL Phone 2 :
Zip : 33040 Phone 3 :
Phone 4 :
Email :

From: Karen DeMaria
Sent: Friday, November 06, 2015 11:30 AM
To: David Ray <dray@cityofkeywest-fl.gov>
Subject: 808 Ashe Street

David:

I inspected 808 Ashe Street today regarding the cutting of a large root for a fence/decker footer. The tree appears to be a Spanish lime tree, a protected tree. The cutting of that root is a violation of the Tree Ordinance. A permit would have been required to cut that root which would have required an arborist to do the work and the cut would have had to have been a proper clean cut. That being said, the cut root appears to be a structural root and I do not issue permits to cut structural roots. The contractor would have been told to move that footer.

I will be issuing an administrative notice/enforcement case against the contractor. Can you please give me a copy of the building permit and contact information for the property.

Sincerely,

Karen DeMaria