

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

December 14, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Tom Timblin
Emerald Dreams LLC
11971 Champions Green Way Apt 501
Fort Myers, FL 33913

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, January 12, 2016**, 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 December 7, 2015 at 1434 Virginia 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:

(7) Tears and splitting of limb ends or peeling and stripping of bark.

Sec. 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;

Sec. 110-402. Palms.

(b) Live healthy fronds, should not be removed above the level horizontal plane initiating at the heart of the tree.

(f) Hurricane cuts are not approved methods of palm pruning.

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

Factual allegation: Large diameter branches were removed from 1-Mahogany tree and a 2-Chinaberry trees without the benefit of a permit. A cut on the Mahogany tree and one of the Chinaberry trees was done improperly causing the bark to tear. A triangle palm greater than 10 ft tall was improperly trimmed.





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



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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 **14th day of December 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", written over a horizontal line.

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

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:

**Tom Timblin
Emerald Dreams LLC
11971 Champions Green Way
Apt 501
Fort Myers, FL 33913**

2. Article Number
(Transfer from service label)

7007 3020 0000 5347 3391

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent
☒ Addressee

B. Received by (Printed Name)

Timblin

C. Date of Delivery

2/16/15

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

Staff Report

STAFF REPORT

DATE: December 14, 2015

RE: Administrative Hearing, 1434 Virginia Street

On September 2, 2015, I walked the property with the new owner, Tom Timblin, after receiving a complaint about possible future trimming and removal work of trees on the property. The walk through of the property included discussions regarding the tree ordinance and permitting regulations.

On September 18, 2015, it was noticed that two large diameter branches had been removed from a chinaberry tree located along the front of the property. The property owner was called and told that the work required a permit. Mr. Timblin claimed he misunderstand the instructions that I had given to him. He was given a verbal warning.





Chinaberry tree
#1

On or about December 5, 2015, trees were trimmed on the property by the property owner, Tom Timblin. Several phone calls were received from the neighbors regarding the trimming work done to their trees (1438 Virginia Street). An inspection of the property on December 10 and 11, 2015 revealed that several regulated trees had been improperly trimmed, that permits would have been required for some of trimming, and that no permits had been issued.



Looking down the driveway at the vegetative debris pile. Note that a dead coconut palm was also removed (no permit required).



1. Mahagony tree: Large diameter branch cut improperly from a protected tree. The tree is actually located on 1438 Virginia Street. No permits had been issued to cut the large diameter branch.





Base of
mahogany
tree on 1438

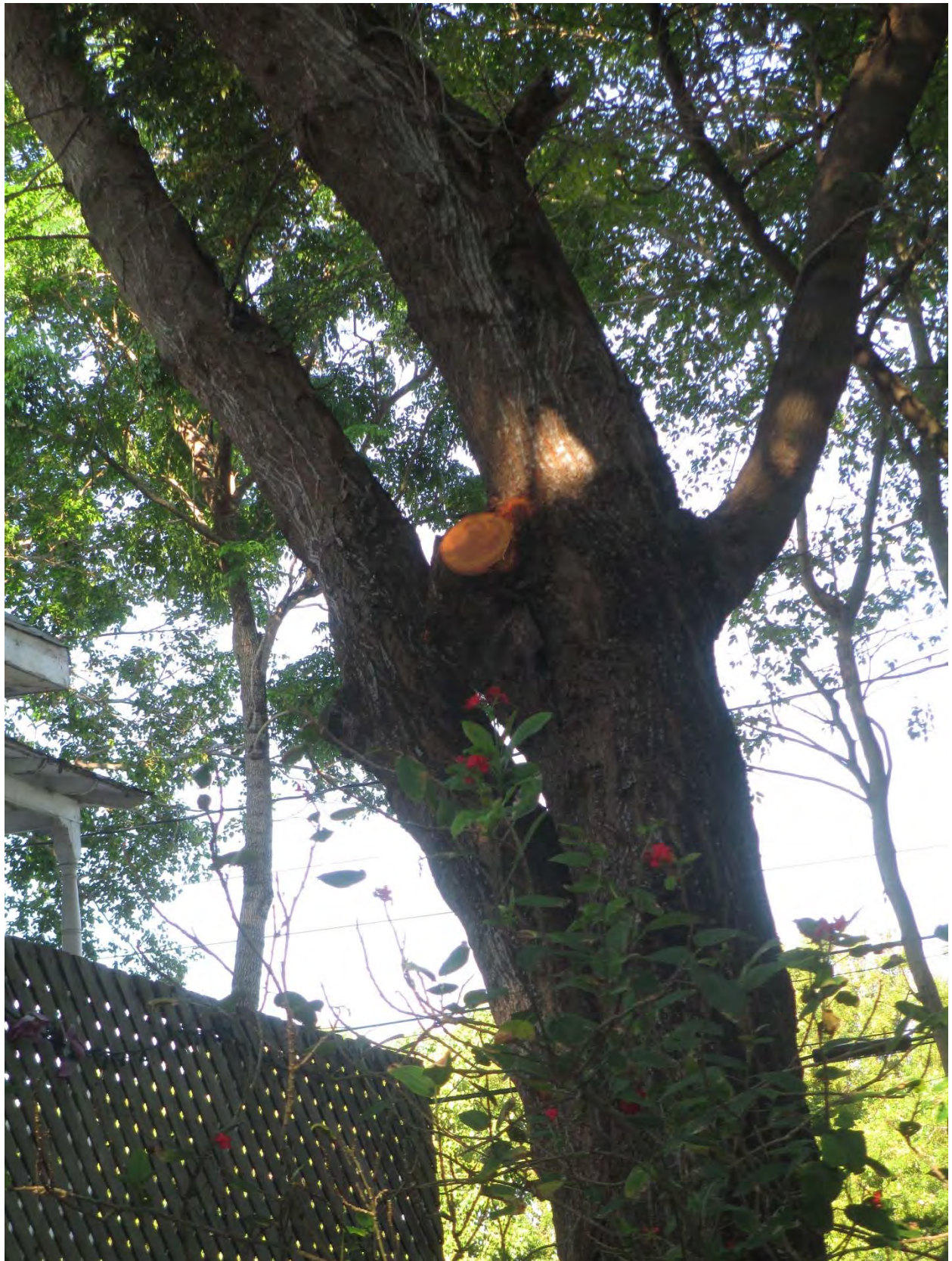


Mahogany
canopy





Large diameter branch improperly cut tearing the bark (tree abuse).



2. Chinaberry tree #2: Large diameter branch removed from regulated tree. Branch was improperly cut causing tearing of the bark and the trimming work has created a lopsided tree that has all its weight toward the neighbor's house. Diameter of tree is 16.9 inches.





Looking at Canopy of Chinaberry tree #2 whole standing in 1438.



Multitrunked
Ficus benjaminia
tree (not
regulated)









3. Triangle Palm: Regulated palm improperly trimmed (hurricane cut).









NOTES:

1. Two protected or regulated trees (1-Mahogany and 1-Chinaberry) have been improperly cut (tree abuse).
2. Three protected or regulated trees have been trimmed without benefit of a tree trimming permit (1-Mahogany and 2-Chinaberry).
3. One Palm improperly trimmed (Triangle Palm).