

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**

February 20, 2016

Tree Commission
City of Key West
Petitioner,

Vs.

Michael Donoghue
1501 George Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, March 8, 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 February 17, 2016 at 1501 George Street

Alleged code violation:

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: A mango tree was removed from the property without benefit of a tree removal permit. Mango is on the specially protected tree species list.



Photo of stump
February 17, 2016



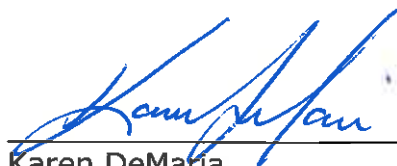
Photo of tree
October 2014

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 **22nd day of February 2016.**

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



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

cc: Al Wicht, Crystal Clear Pool
24843 Overseas Highway
Summerland Key, FL 33042

Staff Report

STAFF REPORT

DATE: February 25, 2016

RE: **1501 George Street (Administrative Hearing)**

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

An application was submitted to the building department to construct a pool at 1501 George Street. During the simultaneous plan review process, I reviewed Google Earth photos of the property and determined that two trees might be located within the proposed work area. An inspection determined that one of the trees had been removed. Information received from the property owner determined that the missing tree was a young mango tree and they had plans to transplant the key lime tree. The property owner submitted an after-the-fact permit application for processing by the Tree Commission for removal of the mango tree and a permit was processed for the transplantation of the Key Lime tree (T16-7833).



Photo taken February 17, 2016



An inspection of the site determined the following:

Tree Species: Mango tree (*Mangifera indica*)

Caliper measurement: 4.7"

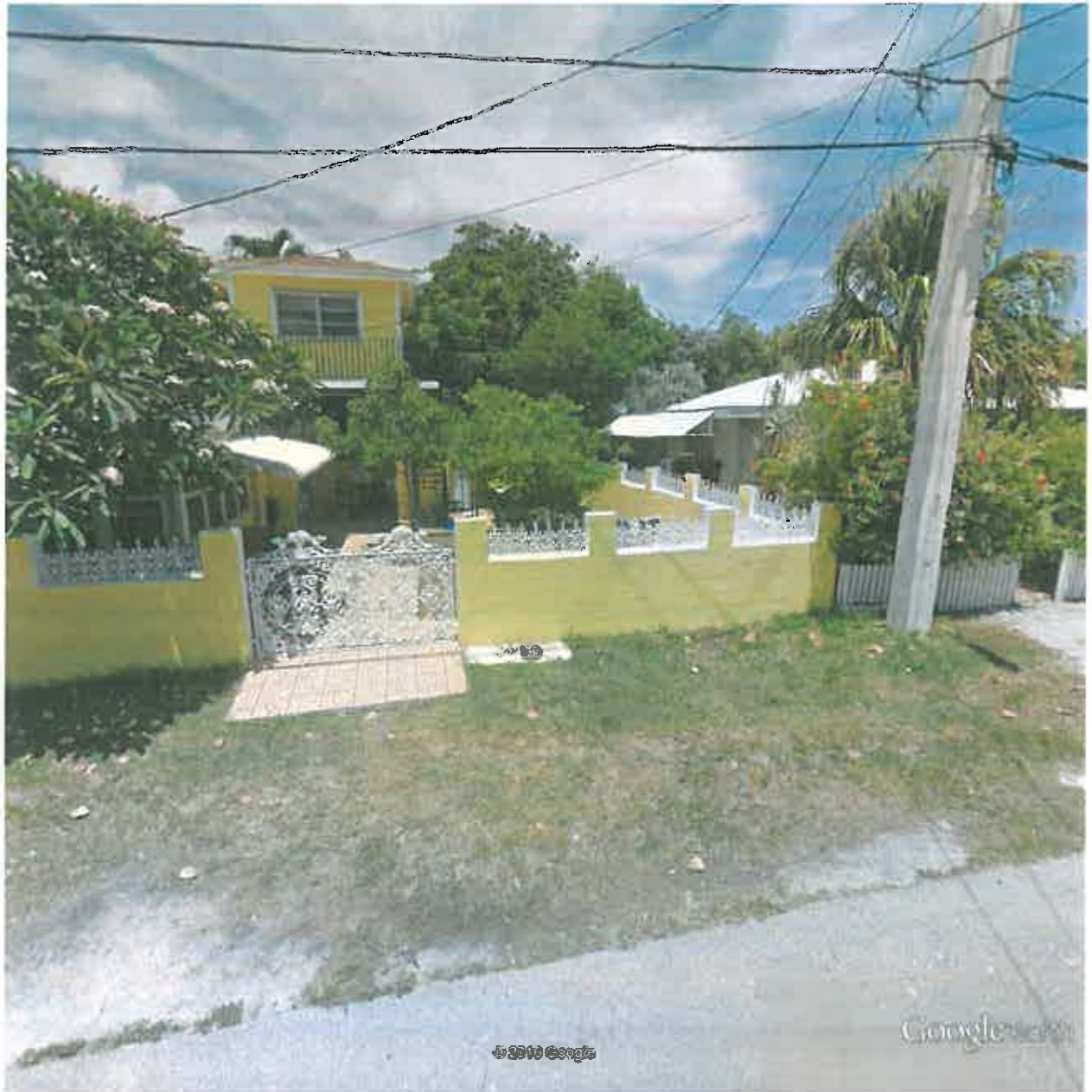
The property had recently been purchased. A search of the internet for photos of the property found the following photos dated October 2014:







October 2014



June 2015 Google Streetview

Violation Map

FLAE/62

TREES A - LARGE TREE TO REMAIN undisturbed

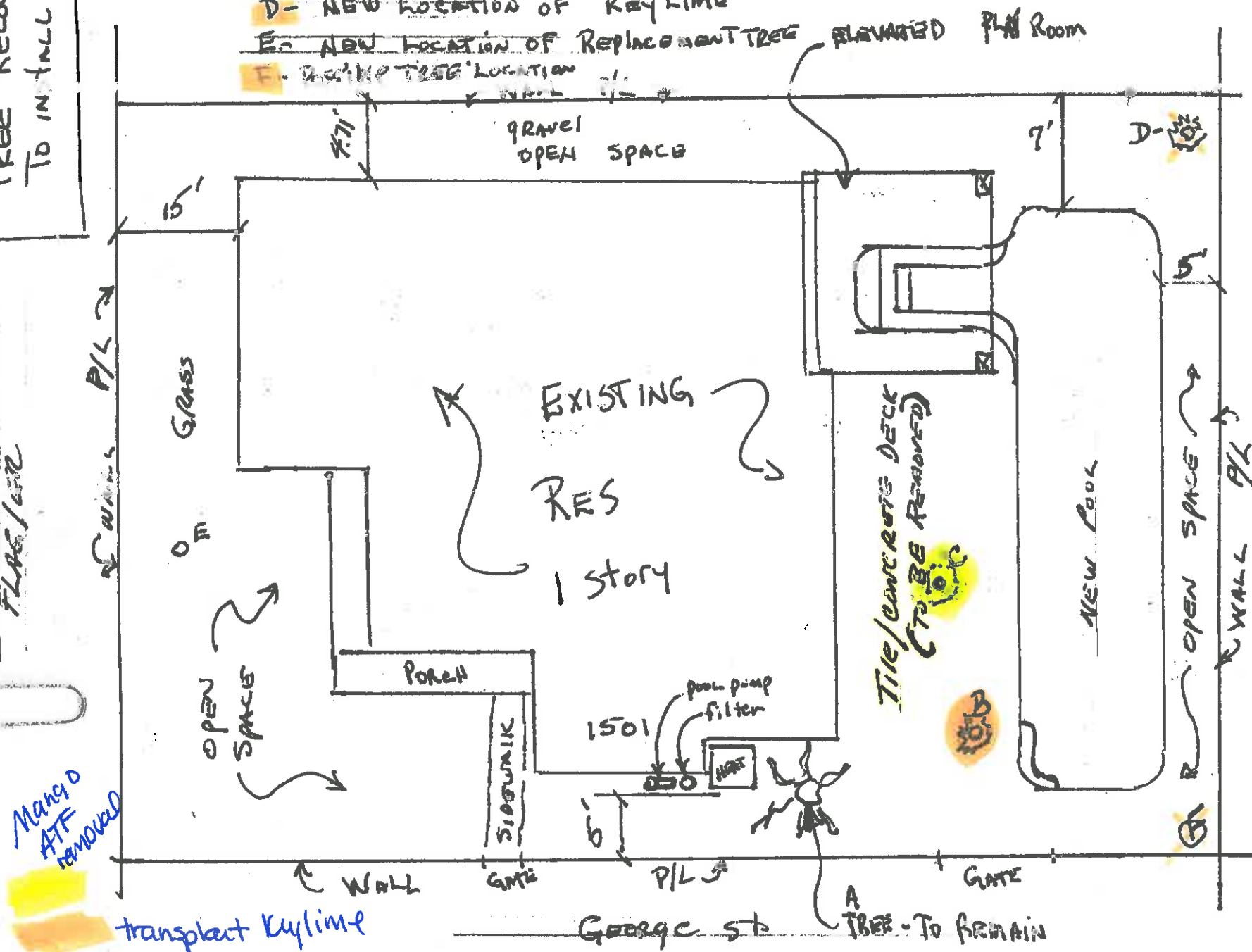
B - 9-10' High Key Line to be Relocated to position D or F

C - 3" DIAMETER TREE STUMP AT GRD. LEVEL - UNKNOWN.

D- NEW LOCATION OF KEY LINE

E. NEW LOCATION OF REPLACEMENT TREE - PLANTED IN ROOM

F. DITCH TREE LOCATION



NEWPOOL by: Crystal Clear Pools
AL WICKT-design
office 305-871-7233
CALL 863-941-1353

2-18-16
S.T.V.
AZ

MIKE Donaghue
1501 George St.
KEY WEST

[illegible]

Karen DeMaria

From: Michael Donoghue <airsquid@gmail.com>
Sent: Thursday, February 18, 2016 5:44 PM
To: Karen DeMaria
Cc: fastaw@aol.com; Charles Wicht
Subject: Re: 1501 George Street

Unfortunately I will be out of state at that time. I have signed and notarized the authorization for Crystal Clear Pools to act on my behalf and will comply with your decision.

Thank you for your help.

michaeldonoghue | 818-219-5522

On Thu, Feb 18, 2016 at 2:34 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Thank you for the information. I will have to process an Administrative Hearing notice for you. Sickly or not, the mango tree was a protected tree species and required a permit to remove. Our next meeting is March 8, will you be able to attend that meeting? (starts at 5 p.m. at Old City Hall).

Based on the additional information in your e-mail, I will allow processing of the tree transplanting permit and the building permit. We will handle the removal of the mango tree as a separate issue.

Sincerely,

Karen

From: Michael Donoghue [mailto:airsquid@gmail.com]
Sent: Thursday, February 18, 2016 5:11 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: fastaw@aol.com
Subject: Re: 1501 George Street

Karen DeMaria

From: Karen DeMaria
Sent: Thursday, February 18, 2016 5:35 PM
To: 'Michael Donoghue'
Cc: fastaw@aol.com
Subject: RE: 1501 George Street

Thank you for the information. I will have to process an Administrative Hearing notice for you. Sickly or not, the mango tree was a protected tree species and required a permit to remove. Our next meeting is March 8, will you be able to attend that meeting? (starts at 5 p.m. at Old City Hall).

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Sincerely,

Karen

From: Michael Donoghue [mailto:airsquid@gmail.com]
Sent: Thursday, February 18, 2016 5:11 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: fastaw@aol.com
Subject: Re: 1501 George Street

Hi Karen,

Thanks for helping with this project. The Key Lime tree will be transplanted by Paradise Lawn and Garden of Key West. They are handling all of my landscaping needs.

The tree that was cut was a sickly mango tree that was planted by the former owner. I apologize for my ignorance on this as I considered it to be no more than a nuisance potted plant.

As you can see from the extensive but still incomplete planting I have done this month in the new front yard (which was formerly no more than a vacant lot), my intent is to add much more local plant life than was originally on the property to achieve a garden effect. I have no issue with adding much more than the value of the sick mango tree. I am happy to incorporate any suggestions, recommendations, or demands into my plan.

Feel free to reach out any time and thank you for your prompt attention (the kids really would love to have the pool in by Easter).

On Thu, Feb 18, 2016 at 1:56 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

All:

I have been to 1501 George Street regarding the application to build a pool and I have received the application to transplant the Key Lime tree. Who will be doing the transplanting work? You must have someone who knows how to properly transplant the tree. A condition of the permit will be to ensure its survivability or you must replace the tree. The man building the pool or a general contractor is not the proper person to transplant the tree. You need a landscaper.

I need some additional information regarding the tree that was removed. I measured a caliper measurement of 4.7". Do you have photos of the tree prior to removal? I am trying to determine the species. Did it have flowers? What did the leaves look like?

It appears a permit might have been required to remove the tree. After-the-fact permits can only be approved by the Tree Commission under an Administrative Hearing. I appreciated the notation of wanting to plant another tree to replace what was cut down. Unfortunately, when a tree is removed, the required replacement is based on the diameter times the value of the tree. When after-the-fact removal of a tree is being review, the Tree Commission usually require full replacement of the tree or more planted somewhere on the property.

I await further information from you before further processing of the applications.

Sincerely,

Karen

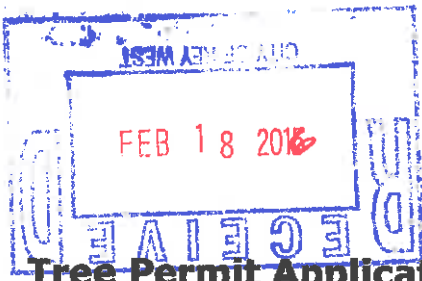
Karen DeMaria

Urban Forestry Manager/Tree Commission

Certified Arborist

305-809-3768

Application



transplant

7833

canopy

Tree Permit Application

Date: 2/17/16

Please Print All Information unless indicated otherwise.

Tree Address 1501 George St
Cross/Corner Street FLAGLER
List Tree Name(s) and Quantity _____
Species Type(s) check all that apply () Palm () Flowering (X) Fruit () Shade () Unsure
Reason(s) for Application:
(X) REMOVE () Tree Health () Safety (X) Other/Explain below
(X) TRANSPLANT () New Location (X) Same Property () Other/Explain below
() HEAVY MAINTENANCE () Branch Removal () Crown Cleaning/Thinning () Crown Reduction
Additional Information Pool installation - move small Key lime
NEAR P/L To be further away from Pool
and Explanation PLANT TREE IN front yard to replace small
UNKNOWN tree cut.
Property Owner Name Michael Donoghue
Property Owner eMail Address Airsquid@gmail.com
Property Owner Mailing Address 1501 George St
Property Owner Mailing City Key West State FL Zip 33040
Property Owner Phone Number (813) 219-5522
Property Owner Signature [Signature]

Representative Name AL WIGHT
Representative eMail Address fastan@aol.com
Representative Mailing Address 24843 Overseas Highway
Representative Mailing City Summitland Key State FL Zip 33042
Representative Phone Number (863) 991-1353

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 >>>>>

Please identify tree(s) with colored tape

ATF removed of unknown tree 4.7" dbh (bark is grey + furrowed + heartwood is reddish)
Transplant Key lime = 4.1" dbh

CCPKeys@aol.com
Al- Crystal Clear Pools
863-991-1353

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



Tree Representation Authorization

Date: 2/17/16

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.

All Information unless indicated otherwise.

Tree Address 1501 George St.

Property Owner Name Michael Donoghue

Property Owner eMail Address Atrsguide@gmail.com

Property Owner Mailing Address 1501 George St

Property Owner Mailing City Key West State FL Zip 33040

Property Owner Phone Number (818) 219-5522

Property Owner Signature [Signature]

Representative Name AL NICHT

Representative eMail Address fastwad@aol.com

Representative Mailing Address 24843 OVERSEAS HIGHWAY

Representative Mailing City Summerland Key State FL Zip 33042

Representative Phone Number (863) 991-1353

I Michael Donoghue, 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 [Signature]

The forgoing instrument was acknowledged before me on this 17th day of Feb 2016.

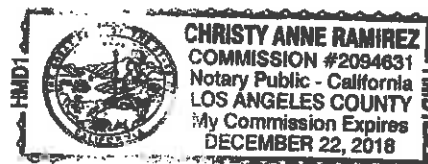
By (Print name of Affiant) Michael Donoghue who is personally known to me or has produced Driver License as identification and who did take an oath.

NOTARY PUBLIC

Sign Name: [Signature] Notary Public - State of Florida (seal)

Print Name: Christy Ramirez

My Commission Expires: 12/22/2018



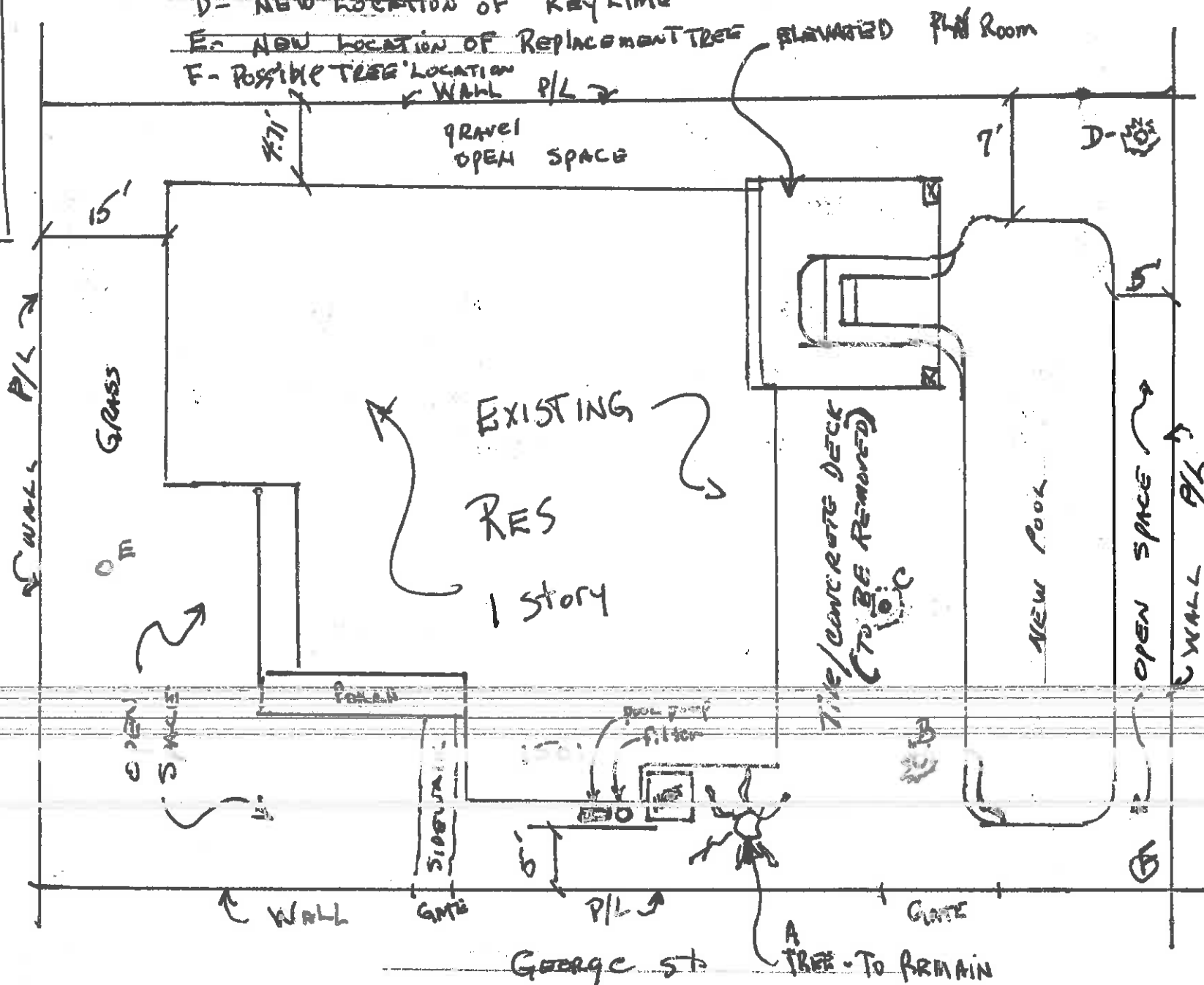
FLAS / 1572

TREES

- A - LARGE TREE TO REMAIN UNDISTURBED
- B - 9-10' HIGH KEY LIME TO BE RELOCATED TO POSITION D OR F
- C - 3" DIAMETER TREE STUMP AT GRD. LEVEL - UNKNOWN.
- D - NEW LOCATION OF KEY LIME
- E - NEW LOCATION OF REPLACEMENT TREE
- F - POSSIBLE TREE LOCATION

PLANT ROOM

WALL P/L 2



new pool by: Crystal Clear Pools
AL Wicket-design
office 305-872-7233
CALL 863-991-1353

2-18-16 AZ

MIKE Donoghue
1501 George St
KEY WEST



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: 1063657 Parcel ID: 00063220-000000

Ownership Details

Mailing Address:

DONOGHUE MICHAELL
2291 XIMENO AVE
LONG BEACH, CA 90815-2543

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW

Affordable Housing: No

Section-Township-Range: 05-68-25

Property Location: 1501 GEORGE ST KEY WEST

Legal Description: KW DIAG PB1-13 LOT 21 SQR 5 TR 30 G61-401-402 G75-144-145 OR2433-2191 OR2748-310/11

Click Map Image to open interactive viewer



Land Details

| Land Use Code | Frontage | Depth | Land Area |
|------------------------|----------|-------|-------------|
| 010D - RESIDENTIAL DRY | 0 | 0 | 4,625.00 SF |

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 1431
 Year Built: 1958

Building 1 Details

Building Type R1
 Effective Age 21
 Year Built 1958
 Functional Obs 0

Condition A
 Perimeter 224
 Special Arch 0
 Economic Obs 0

Quality Grade 500
 Depreciation % 28
 Grnd Floor Area 1,431

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP

Roof Cover ASPHALT SHINGL

Foundation CONCR FTR

Heat 1 NONE

Heat 2 NONE

Bedrooms 3

Heat Src 1 NONE

Heat Src 2 NONE

Extra Features:

2 Fix Bath 0
 3 Fix Bath 1
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 0

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0