

STAFF REPORT

DATE: June 6, 2016

RE: **1110 Petronia Street (Administrative Hearing)**

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

On April 20, 2016, I received a phone call saying that a Royal Poinciana tree was being removed from a house at the corner of Ashe and Petronia Streets (1110 Petronia Street) and they wanted to know if a permit had been issued for the work. A review of the database indicated that there were no permits issued to remove or heavily trim any trees at 1110 Petronia Street.

An immediate inspection of the property documented a man on a lift removing large diameter branches off of a Royal Poinciana tree in the rear of the property and a pile of vegetative debris from the tree on Ashe Street. The man, Michael Guricky (Caribbean Landscaping), was asked if he had a permit and then he was asked to stop work on the tree. Neighbors from Petronia Street informed me that the tree had dropped some large branches onto their patio and was a threat to their safety. I informed them and Mr. Guricky that the Royal Poinciana was a protected tree and a permit is required to remove or heavily trim the tree. I gave the neighbors my business card and asked them to send me photos and a statement supporting their comments to be included in the file. They did give me the owner's name and phone number.

The tree is a Royal Poinciana tree, a protected tree species. Most of the canopy has been removed. The diameter of the tree is 22.9 inches.

Subsequent discussions with the owner, Becca, indicated the lack of knowledge of the requirement for a tree removal permit (see attached e-mails). She is out of town and not available to attend the hearing but is in the process of gathering additional information for the file and for the Tree Commissioners review.

Photos taken April 20, 2016:

















Photos taken June 2, 2016:





Karen DeMaria

From: Becca Ahrensfield <rca59@aol.com>
Sent: Tuesday, June 07, 2016 10:08 AM
To: Karen DeMaria
Subject: Re: 1110 petronia

Mark grey should be getting you the photos soon

Sent from my iPhone

On Jun 7, 2016, at 8:13 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Good, please send me any additional information regarding the tree as soon as you can so I have it for the meeting.

Sincerely,

Karen

From: Becca Ahrensfield [<mailto:rca59@aol.com>]
Sent: Monday, June 06, 2016 7:05 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Re: 1110 petronia

Hi Karen- I spoke to Micchal today and he will be attending.

Sent from my iPhone

On Jun 6, 2016, at 5:16 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Becca:

The Administrative Hearing at the Tree Commission meeting is an enforcement hearing. The Tree Commission makes the final decision as to what the penalty will be. The Commission usually cites the owner and the person who did the work therefore, Michael is involved as the person who was cutting the tree without benefit of a tree permit. As a licensed professional landscaper in Key West he should have known the regulations and the fact that permits are required to heavy maintenance or remove a protected tree species. If Michael can not attend the hearing he needs to let me know so I can reschedule it, otherwise, it might still be reviewed by the commission and they will make a decision as to the penalty without him being present. They could also decide to send this file to Code Enforcement to be heard in front of the Judge.

In the past, the penalty to the landscaper has been a fine and a requirement that they attend a training session with myself to ensure that they are aware of the City of Key West tree regulations. The Commission usually will also require the homeowner to process a tree permit to properly trim the tree or to remove it. Removal requires the planting of replacement trees and the Commission usually requires full replacement. If

you can not attend the hearing, I can either reschedule or we can proceed with the discussion regarding settlement with the commission.

Once the Commission has made a decision as to the penalty, a Settlement Agreement is drafted and signed by all parties involved. Failure to agree to the Settlement Agreement or sign the papers will require the file to be sent to Code Enforcement to be heard by the Judge and usually will include court fees.

Was your plan to remove the tree or heavily trim the tree? I understand that there was an issue with a large branch on the tree. Most of the rest of the branches of the tree seem to have been in good condition as evidenced by the nice clean wood. Heavy maintenance trimming of the tree might have been a possible alternative (permit required). A certified arborist would have been able to properly advise you as to the best course of action on the protected tree. Also, if a tree is deemed a hazard, my office has procedures to help quickly with the situation. You should have been advised of this information by your landscaper.

Please gather the photos from the neighbor and get them to me as soon as possible. It would also help to have a written statement from him as to what happened that triggered the need to cut the tree.

I understand you want to take full responsibility for this issue. Unfortunately, Michael is involved as he is the person I saw cutting the tree without a permit and he is cited, therefore, he has to be involved. Additional information you can provide will be helpful in resolving the issue.

Sincerely,

Karen

From: Rebecca Ahrensfield [<mailto:rca59@aol.com>]
Sent: Monday, June 06, 2016 11:05 AM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: 1110 petronia

Hi Karen - This is to let you know that we have received the letter regarding the June 14th hearing at Old City Hall. Neither we, or our landscaper, Michael Guricky, are unable to attend the meeting.

On April 20th we had a tree removed from our property at 1110 Petronia - our neighbors, Mark and Patti Grey had complained about limbs falling on their property - We believed there was an imminent danger to their elderly dogs as well as them our tenants. Mr. Grey has photo documentation, which he will share with you, to the condition of the tree. Being relatively new residents to Key West, we were not aware of the laws regarding removal of the tree.

We take full responsibility of this incident and will do whatever is necessary to rectify this situation, whether it be to replant or leave the tree that is left, although we believe it to be diseased and compromised.

Please let us know how you would like us to proceed.

Thank you.

Becca
rca59@aol.com



Summary

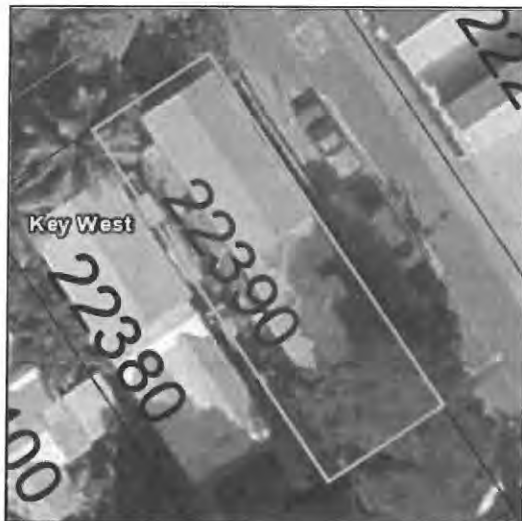
Parcel ID 00022390-000000
Alternate Key 1023175
Property Address 1110 PETRONIA ST
Key Name KEY WEST
Sec/Twp/Rng 5-68-25
Legal Description KW PT LOT 7 SQR 4 TR 6 G2-575 E1-26 OR480-166
OR5
07-430L/E CASE 84-254-CP OR920-902/904 OR1066-
675D
/C OR1428-2069/71 OR1559-1190/92 OR1590-
297/298A-C
(Note: Not to be used on legal documents or any
document to be recorded)
Neighborhood 6103
Subdivision
Millage Group 10KW
Affordable No
Housing
Class 0100 - SINGLE FAMILY



Owner

Primary Owner
Cobalt Kids LLC
816 Elizabeth St
Key West, FL 33040-6404

Map



Valuation

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<ul style="list-style-type: none"> 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. 		A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <p style="text-align: center;">Michael Guricky 2119 Staples Avenue Key West, FL 33040</p>		B. Received by (Printed Name) <i>Guricky, Michael</i> Date of Delivery <i>MAY 23 2016</i>	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7007 3020 0000 5347 5166			

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Restricted Delivery Fee (Endorsement Required)	<i>646</i>	
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Sent To
Street, or PO Box
City, State, ZIP+4®

Michael Guricky
2119 Staples Avenue
Key West, FL 33040

PS Form 3800, August 2006 Instructions