



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

October 22, 2018

Tree Commission
City of Key West
Petitioner,

Vs.

David and Karyn Brickner
10480 Misty Ridge Drive
Painesville, OH 44077

South Garden Landscaping
PO Box 2451
Key West, FL 33045

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 13, 2018**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, 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 Respondents. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: October 15, 2018 at 1122 Seminary Street, Key West, FL:

Sec. 110-321. 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: Two (2) protected Pigeon Plum trees have been removed from the property without benefit of a tree removal permit.



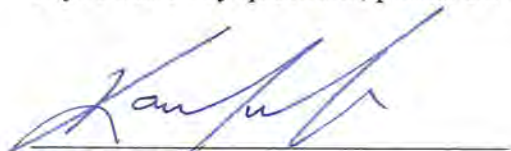
Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

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 mailed to the Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **23th day of October 2018.**

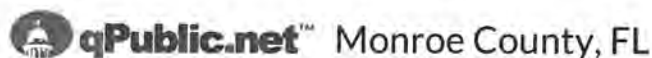
If you have any questions, please call the office at (305) 809-3768.

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

Karen DeMaria

Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov



Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00040180-000000
 Account # 1040894
 Property ID 1040894
 Millage Group 10KW
 Location 1122 SEMINARY St, KEY WEST
 Address
 Legal KW GEORGE W NICHOLS SUB PB1-42 LT 15 SQR 1 TR 18 H2-280 OR1-11/12
 Description OR429-94/95 OR564-609 OR1018-1928 OR1618-1849/51 OR1981-1229/30
 OR2207-1486/87 OR2425-1588/89 OR2535-12/14 OR2543-939/40 OR2857-2413/14
 (Note: Not to be used on legal documents)
 Neighborhood 6131
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision George W Nichols Sub
 Sec/Twp/Rng 05/68/25
 Affordable No
 Housing



Owner

BRICKNER DAVID M
 10480 Misty Ridge Dr
 Painesville OH 44077

BRICKNER KARYN
 10480 Misty Ridge Dr
 Painesville OH 44077

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$934,965	\$746,756	\$348,892	\$348,172
+ Market Misc Value	\$26,613	\$24,446	\$26,364	\$23,223
+ Market Land Value	\$489,062	\$437,806	\$769,349	\$678,366
= Just Market Value	\$1,450,640	\$1,209,008	\$1,144,605	\$1,049,761
= Total Assessed Value	\$1,450,640	\$1,209,008	\$1,115,360	\$1,013,964
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,450,640	\$1,209,008	\$1,144,605	\$1,049,761

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RES SUPERIOR DRY (01SD)	4,107.00	Square Foot	44	93

Buildings

Building ID 3145
 Style 2 STORY ELEV FOUNDATION
 Building Type S.F.R. - R1 / R1
 Gross Sq Ft 3438
 Finished Sq Ft 2650
 Stories 2 Floor
 Condition GOOD
 Perimeter 362
 Functional Obs 0
 Economic Obs 0
 Depreciation % 4
 Interior Walls WALL BD/WD WAL

Exterior Walls ABOVE AVERAGE WOOD
 Year Built 1938
 EffectiveYearBuilt 2013
 Foundation CONCRETE SLAB
 Roof Type IRR/CUSTOM
 Roof Coverage METAL
 Flooring Type CONC S/B GRND
 Heating Type FCD/AIR DUCTED with 0% NONE
 Bedrooms 4
 Full Bathrooms 1
 Half Bathrooms 1
 Grade 600
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLG	6 SIDED SECT	1,012	1,012	0
OPX	EXC OPEN PORCH	168	0	0
FLA	FLOOR LIV AREA	1,638	1,638	0
OUU	OP PR UNFIN UL	324	0	0
OPF	OP PRCH FIN LL	8	0	0
PTO	PATIO	288	0	0

Karen DeMaria

From: Jeffrey Burgess
Sent: Tuesday, October 16, 2018 4:36 PM
To: Karen DeMaria
Subject: RE: Need license info

Print Name As	SOUTH GARDEN LANDSCAPING INC.	Phone	(305)923-6143 Ext:
Address1	MOBILE SERVICE / CITY	Fax	
Address2	POB 2451	Emergency	
City	KEY WEST	E-Mail	antonz@bellsouth.net
State	FL		
Zip	33045		

The above license (#11757) is delinquent.

Cordially,

Jeffrey Burgess

Chief Licensing Official, City of Key West
PO Box 1409
Key West, FL 33041
(305) 809-3959
jburgess@cityofkeywest-fl.gov
licensing@cityofkeywest-fl.gov

From: Karen DeMaria
Sent: Tuesday, October 16, 2018 4:27 PM
To: Jeffrey Burgess <jburgess@cityofkeywest-fl.gov>
Subject: FW: Need license info

Does the person below have a license to work in the City? Gardening? Landscaping?

Sincerely,

Karen

From: Jim J. Young
Sent: Tuesday, October 16, 2018 4:14 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: RE: Need license info

ZDENEK ANTON

STAFF REPORT

DATE: November 2, 2018

RE: **Administrative Hearing for 1122 Seminary Street**

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

On October 15, 2018, I noticed a lot of tree branches in bins across from my office and heard a chainsaw. A site visit documented that two Pigeon Plum trees had been removed without a permit by a gardener/landscaping crew. The work crew indicated they were told to cut the trees because of seeds and leaves falling into the pool. The crew was given my card and the owner was asked to call. To date, no call has been received from the owner of the company. A search of the van's license plate (van was not marked with company logo) indicated that the crew was working for South Garden Landscaping.



Tree
Locations





Stump #1

10/15/2018



Each stump is approximately 7-8 caliper inches. An accurate measurement has not been taken due to access issues.

Recommendation:

1. Property owner should be required to replant trees on their property.
2. Gardener/Landscape business owner must show proof that they have a valid City License, pay a fine to the Tree Fund, receive Tree Ordinance training form the Urban Forester, and create a training program for his employees.

Karen DeMaria

From: dave.brickner@roadrunner.com
Sent: Monday, November 5, 2018 3:05 PM
To: Karen DeMaria
Subject: 1122 Seminary

Hi Karen,

Thanks for taking the time to speak today. Per our conversation, I will not be in town on November 11 to attend the Tree Commission Meeting as I will be out of town. We had planned on returning sooner, but with the amount of work we have had done this year we have had to move back our return to the island by several months.

First of all, I am sorry that I was not aware that a property owner could not cut down a tree that they own on their own property, especially given that the tree was largely not even visible from the street. I have never had to deal with such a restriction anywhere I have lived.

I would like to mention a couple of the reasons I chose to have the trees removed. In the past year, I have burned out a pool pump due to the fruit and leaves of the pigeon plums clogging my strainers. I have the pool maintenance scheduled weekly, but depending on time of year, the two trees dropped enough leaves and fruit to fully clog both strainers within a few days. Also, the trunks of the trees were growing up against the wall on the back of the pool area and I was concerned they would eventually cause damage to the pool wall or in the worst case cause it to collapse. You should have also seen that the large Travelers Palm behind the pool wall is currently leaning on the wall of the pool and will more than likely need to be addressed in the future. Also, I am just completing a rather expensive project to paint the house and refinish my decks. The fruit from the trees has a tendency to sit and stain the decks and house paint when they fall and collect on the side porch. Lastly, the previous owner of the house did not do much to control the growth of trees on the property and in general, I believe the lot is pretty overgrown for the size of the lot. There were several pretty major issues the previous owner largely ignored that I am trying to correct. I am trying my best to revive the house and the lot to have it be a property that is the best reflection on Key West. While we just bought the property about 18 months ago and we are moving from out of state, it is our intention that this property will be our permanent home for the remainder of our lives.

I now understand that there is a permit process required for removing trees from my lot, so there will not be any issues going forward. I plan on replanting the area behind the pool with something more appropriate for the location on my lot. As the pool is there though, I don't think pigeon plum trees are appropriate for the location. In the very back of my property, it would also be difficult to plant trees of this nature as the neighbor behind me has a VERY large mahogany tree that covers most of my back courtyard. I also have some other sort of shade tree in the back courtyard. In the front yard there really is no suitable place to plant such a tree as well. There are 2 large coconut palms in the front yard that I believe are also on the protected tree list. I am more than willing to donate replacement trees to one of the City Parks or some other organization to hopefully close this matter.

If you need any further info, please let me know.

Regards

Dave Brickner
1122 Seminary St.
Key West, FL 33040