



**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**

July 23, 2019

Tree Commission
City of Key West
Petitioner,

Vs.

Blue Native of the Florida Keys
197 Industrial Road
Big Pine Key, FL 33043

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, August 13, 2019**, 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 Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: June 20, 2019 at 914 Thomas 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; or
 - (3) Any dicot/canopy tree which is four (4) inches or more in diameter at standard height (DSH); or
- (b) If there is an alleged violation of this section, the tree commission may conduct a hearing to determine a violation in accordance with procedures set forth in sections 110-288 through 110-295

Factual allegation: One Orange Jasmine (tree #6), one Blolly (tree #7) and one Lignum vitae (tree #8) that were authorized to be transplanted were cut down and removed in violation of the issued permit.

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 mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **24th day of July 2019**.

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



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

cc: Thomas Street Partners LLC
Attn: Everett Atwell
6565 Heritage Park Place
Lakeland, FL 33813

cc: Ieva and Barry Barroso

STAFF REPORT

DATE: August 1, 2019

RE: **Administrative Hearing for 914 Thomas Street**

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

On June 25, 2019 while inspecting a tree down the street, a chainsaw was heard and while walking toward the noise, a crew person from Blue Native was observed cutting down a Blolly tree (tree #7). Upon arriving at the actual property, it was documented that a Lignum vitae (tree#8) and a Jasmine tree (tree#6) had already been cut down. These trees were authorized to be transplanted under permit T2018-0042, issued November 9, 2018.



Photo showing location of removed trees, view 1 dated July 19, 2019.



Photo showing
location of
removed trees,
view 2 dated July
19, 2019.



Photo of trees October 19,
2018.



Photo of lignum vitae tree October 19, 2018.



Photo of
Jasmine and
blolly tree,
October 19,
2018, view 1.



Photo of Jasmine
and blolly tree,
October 19, 2018,
view 2.

Jasmine

Blolly

It is recommended that the contractor be required to replace the removed trees.

Lignum vitae: approximately 0.6 " diameter

Jasmine: approximately 2.3" diameter

Blolly: approximately 3.5" diameter

Total diameter of trees removed: 6.4"