



**THE CITY OF KEY WEST  
Tree Commission**

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

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

February 4, 2020

Tree Commission  
City of Key West  
Petitioner,

Vs.

MMR Properties  
Attn: Jenna Blackwell  
PO Box 4125  
Key West, FL 33041

An administrative hearing before the Tree Commission for the City of Key West will be held on **Monday, March 9, 2020**, 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: prior to December 19, 2019 at 1307-1309 Whitehead 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: One (1) Strangler Fig tree was removed without benefit of a tree removal permit.**

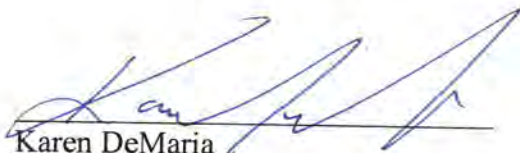


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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 **5th day of February 2020.**

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



Karen DeMaria

Urban Forestry Manager

[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

cc: Kenneth King

# STAFF REPORT

DATE: February 28, 2020

RE: Administrative Hearing for 1307-1309 Whitehead Street

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

A complaint was received regarding a large ficus tree missing from the rear of 1307-1309 Whitehead Street. A letter was sent to the property owner asking what happened to the tree and whether the tree was removed as per the new State law regarding dangerous trees. A conversation with a representative of the property owner indicated that the tree was removed without benefit of a tree removal permit or a document declaring the tree a danger from a certified arborist. No information was given as to who removed the tree.

In July 2018, a permit to remove the Strangler fig tree was denied by the Tree Commission. At that time the diameter of the tree was 43.3 inches. A copy of the staff report and application is attached to the file.



THE CITY OF KEY WEST  
Tree Commission  
P.O. BOX 1409  
Key West, FL 33041-1409

January 14, 2020

MMR Properties  
Carolyn Blackwell  
PO Box 4125  
Key West, FL 33041

To Whom It May Concern:

It has come to my attention that a permit was not issued for the recent removal of (1) Strangler Fig tree located at 1307-1309 Whitehead Street, Key West, FL. This removal violates standards set forth in Section 110-Tree Ordinance of the City of Key Code of Ordinances.

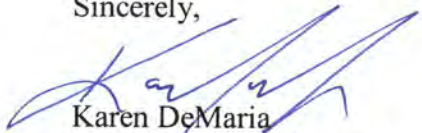
**Sec. 110-321. Required.**

- (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
  - (2) Any monocot/palm tree which is ten (10) feet or more in height measured to the terminal bud. Palm tree counts are determined by root ball; or
  - (3) Any dicot/canopy tree which is four (4) inches or more in diameter at standard height (DSH);

On July 1, 2019, a new State Law regarding tree removal and trimming went into effect (HB1159/FS163-045). This law states that a tree can be removed from residential property, as long as the homeowner obtains documentation from an ISA certified arborist or FL Licensed landscape architect that the tree presents a danger to persons or property. If the tree was removed as per this new State law, please provide the required documentation to my office for inclusion in the property file. Failure to provide the documentation may result in the initiation of an Administrative Hearing in front of the Tree Commission as per Sec 110-321 (b).

Please contact my office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen DeMaria', is written over the printed name.

Karen DeMaria  
Urban Forestry Manager  
305-809-3768

[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)



THE CITY OF KEY WEST  
Tree Commission  
Post Office Box 1409 Key West, FL 33041-1409

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July 10, 2018

MMR Properties  
PO Box 4125  
Key West, FL 33041

RE: 1307-1309 Whitehead Street/File # T18-9075  
Represented by: Kenneth King

To Whom It May Concern,

This letter is to notify you that the City of Key West Tree Commission based on **Sec. 110-328 (1) Findings of disapproval, Denied** the above request to remove the Strangler Fig tree at the public hearing held on July 9, 2018. The Tree Commission's finding was based on one or more of the following facts as grounds supporting disapproval of the tree removal permit application:

- 1. The species, size, champion tree status, historical importance and/or condition of the tree make it a unique or rare specimen; (tree species is on the protected tree list)**

If you wish to appeal this decision, as pursuant Sec. 90-429 of the Code of Ordinance of the City of Key West, you may do so in writing. Appeals should be hand delivered to 1300 White Street or sent to:

Ms. Cheryl Smith  
City Clerk, City of Key West  
PO Box 1479  
Key West, Florida 33041

Should you have any questions, please do not hesitate to contact the office at 305-809-3725 or at the number listed below.

Sincerely,

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

Karen DeMaria  
Urban Forestry Program Manager  
Office: 305-809-3768  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

A handwritten signature in black ink, appearing to read "David Jackson", is written over a horizontal line.

David Jackson  
Chairman  
City of Key West Tree Commission

# STAFF REPORT

DATE: June 29, 2018

RE: 1307-1309 Whitehead Street (permit application # T18-9075)

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

An application was received requesting the removal of (1) Strangler Fig tree. A site inspection was done and documented the following:

Tree Species: Strangler Fig (*Ficus aurea*)





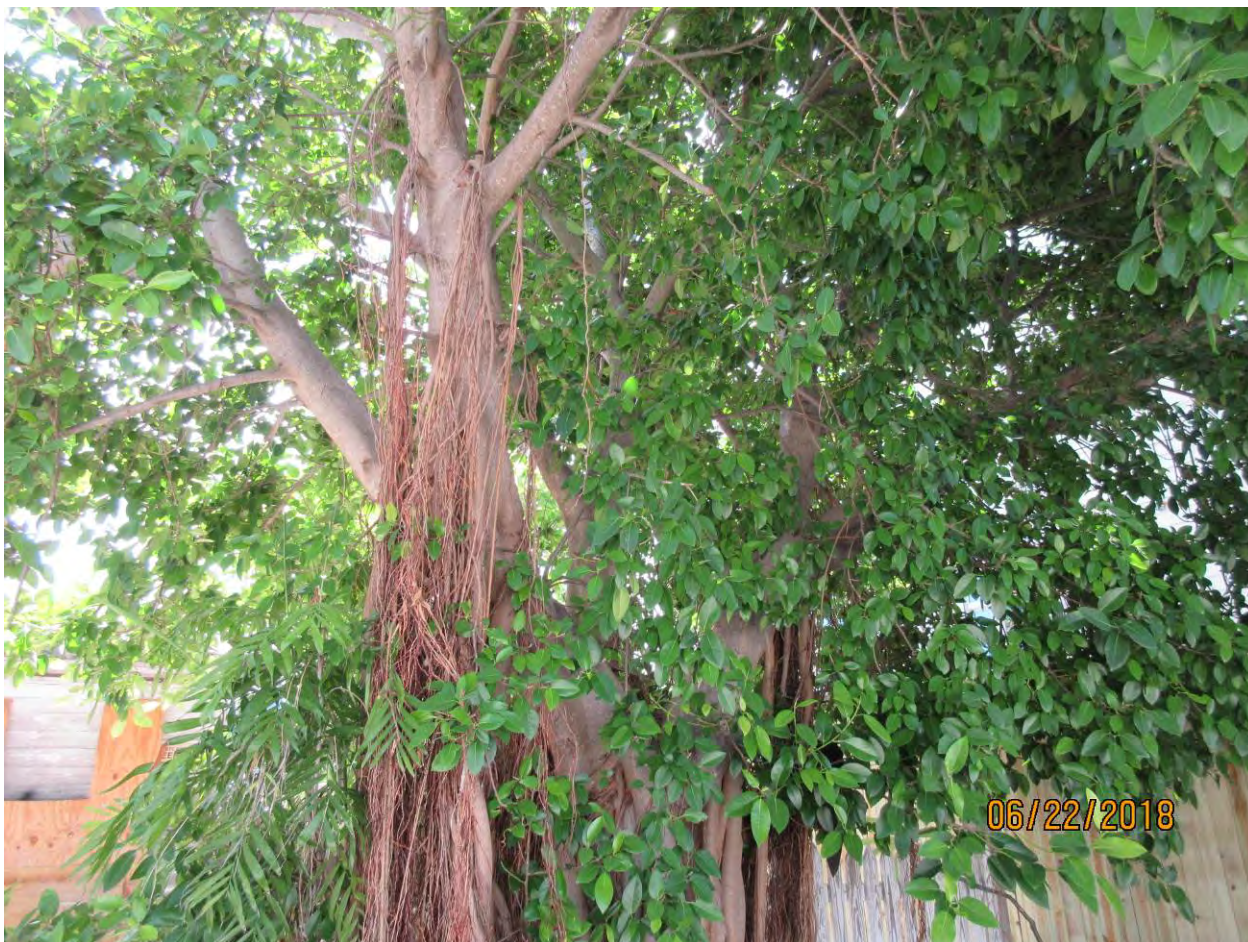


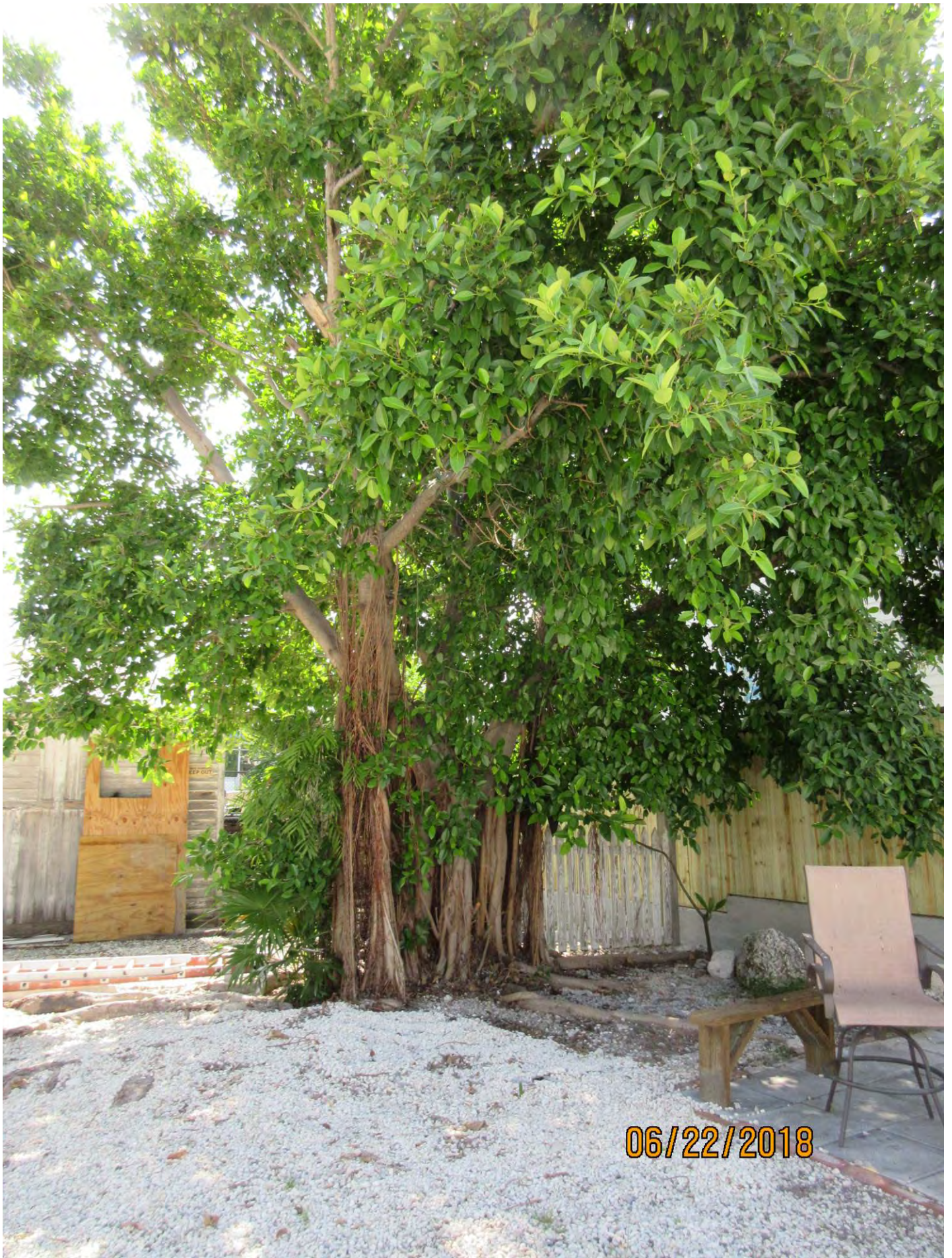






06/22/2018





06/22/2018



Diameter: 43.3"

Location: 70% (tree taking over wooden fence, roots extending put toward structure)

Species: 100% (on protected tree list)

Condition: 60% (fair-needs a proper trim)

Total Average Value = 76%

Value x Diameter = 32.9 replacement caliper inches

Recommendation: Recommend denial of removal permit, Sec 110-328 (1). Some roots beyond the critical root zone could be cut and the canopy trimmed.



# Application



CANOPY  
REMOVAL

9675

## Tree Permit Application

Date: 6-20-2018

Please Clearly Print All Information unless indicated otherwise.

**Tree Address** 1307-1309 Whitehead St.  
**Cross/Corner Street** South St.  
**List Tree Name(s) and Quantity** 1 Strangler Fig Ficus  
**Species Type(s) check all that apply** ( ) Palm ( ) Flowering ( ) Fruit (X) Shade ( ) Unsure  
**Reason(s) for Application:**

(X) REMOVE ( ) Tree Health ( ) Safety (X) Other/Explain below

( ) TRANSPLANT ( ) New Location ( ) Same Property ( ) Other/Explain below

( ) HEAVY MAINTENANCE ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction

Species  
or trunk

**Other/Explain** This tree planted itself after Hurricane Wilma and is trying to cover the whole property. It's already growing into 2 structures and wants to keep going.

**Reason for Request**

**Property Owner Name** MNR Properties  
**Property Owner eMail Address**  
**Property Owner Mailing Address** P.O. Box 4125  
**Property Owner Mailing City** Key West **State** FL **Zip** 33041  
**Property Owner Phone Number** (305) 393-6573  
**Property Owner Signature**

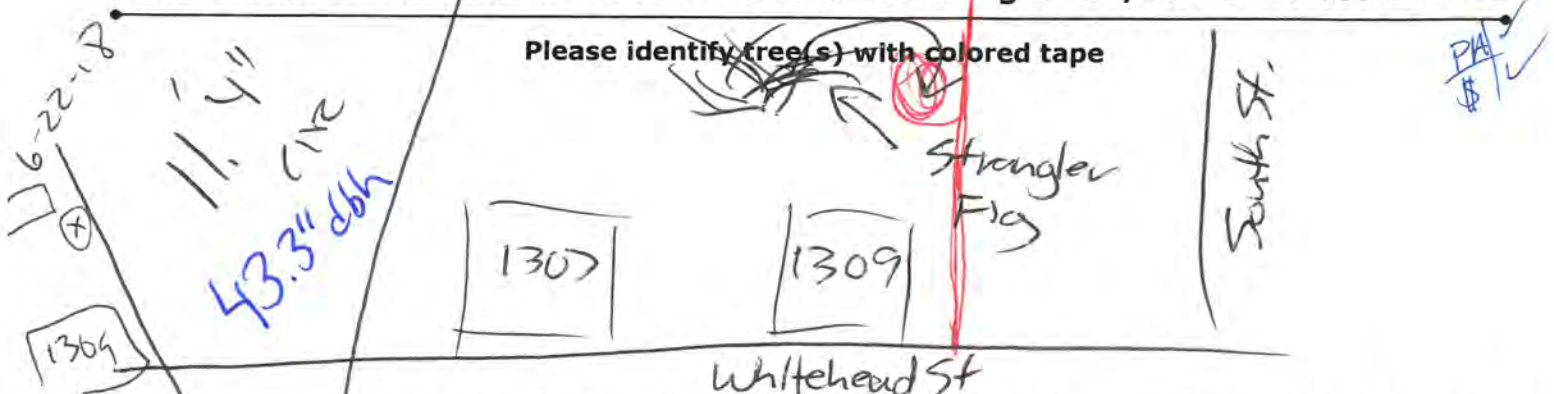
**Representative Name** Kenneth Khay  
**Representative eMail Address**  
**Representative Mailing Address** 1602 Laurel St.  
**Representative Mailing City** Key West **State** FL **Zip** 33040  
**Representative Phone Number** (305) 296-8101

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



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: 6/19/2018

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.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 1307 - 1309 WHITEHEAD STREET

Property Owner Name MMR PROPERTIES OF KEY WEST LLC

Property Owner eMail Address FKWINC@COMCAST.NET

Property Owner Mailing Address PO BOX 4125

Property Owner Mailing City KEY WEST State FL Zip 33041

Property Owner Phone Number ( 305 ) 731 - 9453

Property Owner Signature \_\_\_\_\_

Representative Name KEN KING - GOLDEN BOUGH

Representative eMail Address \_\_\_\_\_

Representative Mailing Address 1602 LAIRD STREET

Representative Mailing City KEY WEST State FL Zip 33040

Representative Phone Number ( 305 ) 296 - 8101

I CURRY BLACKWELL, 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

The forgoing instrument was acknowledged before me on this 20 day JUNE.

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

### NOTARY PUBLIC

Sign Name:

Notary Public - State of Florida (seal)

Print Name:

BRIAN PERRY

My Commission Expires:

22 NOV 2019

