



**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**

October 28, 2020

Tree Commission  
City of Key West  
Petitioner,

Vs.

Keys Top Construction, Inc  
3152 Northside Drive #201  
Key West, FL 33040

To Whom it May Concern:

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 10, 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 August 26, 2020 at 1017 Margaret Street, Key West, FL:**

***Sec. 110-256. Tree abuse.***

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
  - (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
- (c) *Additional prohibitions.*
  - (1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.

***Sec. 110-366. Protective barricades; performance bond.***

All trees on a site shall be protectively barricaded before and during construction activities. The minimum barricading shall be subject to review by the Urban Forestry Manager.

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

*Sec. 110-368. Failure to comply.*

Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated in this division shall be guilty of tree abuse.

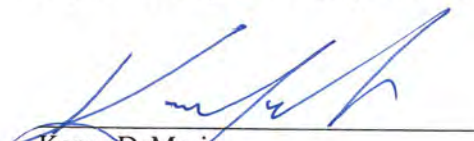


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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 **28th day of October 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)



# STAFF REPORT

DATE: November 3, 2020

RE: Administrative Hearing for 1017 Margaret Street (TC2020-0038)

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

On August 26, 2020, while doing a site inspection in the area it was noticed that work was being done very close to a protected Royal Poinciana tree located next to a carport adjacent to the right of way. Closer inspection documented that roots were being cut within 5 ft of the base of the Royal Poinciana tree.



Photo showing tree and carport/paver work area.





Close up photo of root zone impact area, view 1.





Close up photo of root zone impact area, view 1.

The contractor was asked to immediately stop work around the tree roots. The property owner immediately called John Cole-Shade Tree Inc to meet with the urban forester and correct the situation. Subsequently, a meeting was held to discuss the tree roots and the placement of pavers in the area. A plan was created, and a corrective root prune permit was issued. It is anticipated that the tree's health will not decline due to the work.

Recommend: Issue a fine against the contractor. This is the first documented tree offense by Keys Top Construction.





Two updated photos showing the area.







T2020-02671

## Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: 8/26/2020

Tree Address 1017 Margaret St.

Cross/Corner Street Treman

List Tree Name(s) and Quantity 1 Poinciana Tree

Species Type(s) check all that apply ☐ Palm ☒ Flowering ☐ Fruit ☐ Shade ☐ Unsure

Reason(s) for Application:

☐ Remove ☐ Tree Health ☐ Safety ☐ Other/Explain below

☐ Transplant ☐ New Location ☐ Same Property ☐ Other/Explain below

☐ Heavy Maintenance Trim ☐ Branch Removal ☐ Crown Cleaning/Thinning ☐ Crown Reduction

Additional Information and Explanation

Corrective Root Pruning

Property Owner Name

Bruce Cohen

Property Owner email Address

cohen-bruce.e@gmail.com

Property Owner Mailing Address

1017 Margaret St. Key West, FL 33040

Property Owner Phone Number

773-351-2814

Property Owner Signature

Bruce Cohen

Representative Name

John Cole Shade Tree Inc.

Representative email Address

shadetreeservices@yahoo.com

Representative Mailing Address

PO Box 1341 Key West, FL 33041

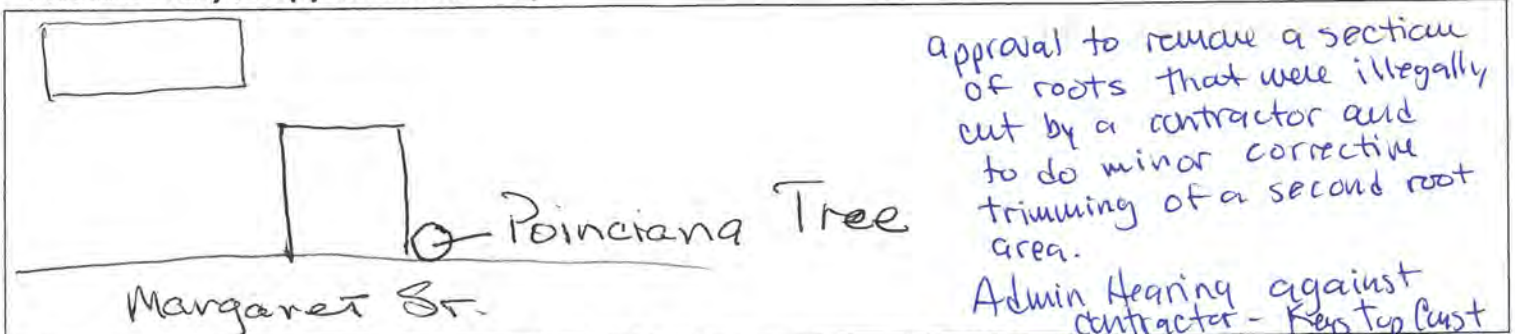
Representative Phone Number

305-340-8094

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



approval to remove a section of roots that were illegally cut by a contractor and to do minor corrective trimming of a second root area.

Admin Hearing against contractor - Keep top Coast

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

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.

Date 8/26/2020

Tree Address 1017 Margaret St.

Property Owner Name Bruce Cohen

Property Owner Mailing Address 1017 Margaret St. Key West, FL 33040

Property Owner Mailing City,

State, Zip

Property Owner Phone Number 773-351-2814

Property Owner email Address cohen.bruce@gmail.com

Property Owner Signature Bruce Cohen

Representative Name John Cole Shade Tree Inc

Representative Mailing Address P.O. Box 1341

Representative Mailing City,

State, Zip Key West, FL 33041

Representative Phone Number 305-340-8094

Representative email Address shadetreeservices@yahoo.com

I, Bruce Cohen 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 if there are any questions or need access to my property.

Property Owner Signature Bruce Cohen

The forgoing instrument was acknowledged before me on this 27 day August 2020.

By (Print name of Affiant) Bruce Cohen who is personally known to me or has produced

FLDL CS00-065-59-290-0 as identification and who did take an oath.

Notary Public

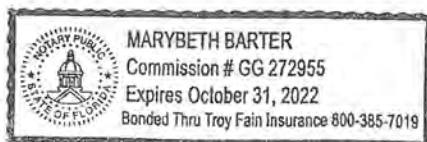
Sign name: Marybeth Barter

Print name: Marybeth Barter

My Commission expires: Oct 31, 2022

Notary Public-State of Florida

(Seal)





**From:** John Cole

**Sent:** Tuesday, September 1, 2020 10:30 AM

**To:** Karen DeMaria; Bruce Cohen; Craig Reynolds

**Subject:** 1017 Margaret St (driveway)

Karen, Here is what we are proposing to reduce the impact to the Root zone of the Poinciana Tree.  
Area marked in Yellow will be concrete pad with pavers on top as originally permitted.  
Area marked in Red will receive root pruning, Biobarrier Root control cloth and in this area sand set pavers above this root zone (no cement)

Thank you

John Cole







A photograph of a gravel area, possibly a driveway or parking lot. A blue circle is drawn around a rock in the center of the frame. The word "remove" is written in blue cursive above the circle. In the background, a white car is partially visible on the left, a blue and white bicycle is on the right, and a green trash can is further right. The ground is covered in light-colored gravel and some dry leaves.

remove

09/02/2020





4' x 7'  
area  
Sand  
then pavers

09/02/2020





09/02/2020