

# STAFF REPORT

**DATE:** September 28, 2018

**RE:** Administrative Hearing, 3637 Eagle Avenue

On September 18, 2018, a notice was sent to Michael Werner, property owner at 3637 Eagle Avenue, regarding the removal of a sea grape tree on City right of way without benefit of a tree removal permit. Attached to the Administrative Hearing notice in the file are pertinent correspondence between the City and the property owner.

In October 2017, I was asked to look at the possibility of the City trimming the trees in the right of way at 3637 Eagle Avenue by a representative of the property. A permit was issued and the City trimmed the (2) Mahogany, (1) Buttonwood, and (1) Sea grape tree in the right of way around this property (see permit T18-8762 attached).

In February 2018, the property owner requested to be able to remove the sea grape hedge in front of the driveway and the two Coconut palm stumps from the side yard. The City allowed this work to be done, no permit required. In the process of doing the cleaning/removing work, a Sea Grape tree at the corner of the property was also removed.

The multitrunked Sea Grape tree, approximately 14" diameter, was growing under a larger mahogany tree. It is recommended that the property owner be required to replant 14 caliper inches of dicot trees, FL#1 on the property or right of way area (with Urban Forester approval of location).

3637 Eagle Avenue





March 2011

Legend

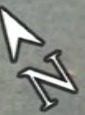
 1801 N Roosevelt Blvd



Google Earth

© 2018 Google

9.51 ft





10/20/2017





05/16/2018







CITY OF KEY WEST

# TREE PERMIT

Permit# 8762 Date Issued December 8, 2017

Address 3637 Eagle Avenue ROW

This is to certify that City of Key West

has permission to Heavy maintenance trim the canopy of (2) Mahogany Trees, (1) Silver Buttonwood Tree and (1) Seagrape Clump located on the property. Work should be done according to current "Best Management Practices" and ANSI standards by a Certified Arborist. Please complete and submit the attached Job Completion Form to the Urban Forestry Manager when trimming is finished.

as per application approved December 8, 2017

The person accepting this permit shall conform to the terms of the application on file in the office of the Tree Commission of Key West. All work shall conform to the requirements of the Code of Ordinances of the City of Key West, Chapter 110-Article VI. Tree Protection.

This Tree Permit is effective for 6 months from the date issued.

If this process requires blocking of a city right-of-way, a separate ROW Permit is required. Please contact the City of Key West at 305-809-3740.

### IMPORTANT NOTICE

This card must be posted in a location clearly visible from the street and in a protected covering.

APPROVED BY 

Karen DeMaria, Urban Forestry Manager  
City of Key West, Florida  
Tree Commission  
PO Box 1409  
Key West, FL 33041  
Phone: (305)809-3768



palm removal → 8761

Heavy Canopy trim → 8762

# Tree Permit Application

Date: 12-7-17

Please Clearly Print All Information unless indicated otherwise.

**Tree Address** 3637 Eagle ave Row  
**Cross/Corner Street** 19th St  
**List Tree Name(s) and Quantity** 2-Coconut Palms (remove) 2-Mahogany, 1-Buttwood,  
**Species Type(s) check all that apply** ( ) Palm ( ) Flowering ( ) Fruit ( ) Shade ( ) Unsure 1-Seagrass  
**Reason(s) for Application:** Heavy Trim Clump

**REMOVE** ( ) Tree Health ( ) Safety ( ) Other/Explain below  
 ( ) **TRANSPLANT** ( ) New Location ( ) Same Property ( ) Other/Explain below  
 **HEAVY MAINTENANCE** ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction  
**Additional Information and Explanation:** storm damage - remove 2 coconut palms  
Heavy trim 2-mahogany 1-buttwood + 1-seagrass clump

**Property Owner Name** City of Key West  
**Property Owner eMail Address** \_\_\_\_\_  
**Property Owner Mailing Address** PO Box 1409  
**Property Owner Mailing City** Key West **State** FL **Zip** 33041  
**Property Owner Phone Number** ( ) \_\_\_\_\_ - \_\_\_\_\_  
**Property Owner Signature** [Signature]

**Representative Name** Karen Sulewicz  
**Representative eMail Address** \_\_\_\_\_  
**Representative Mailing Address** \_\_\_\_\_  
**Representative Mailing City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_  
**Representative Phone Number** ( ) 809 - 3768

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 ( )

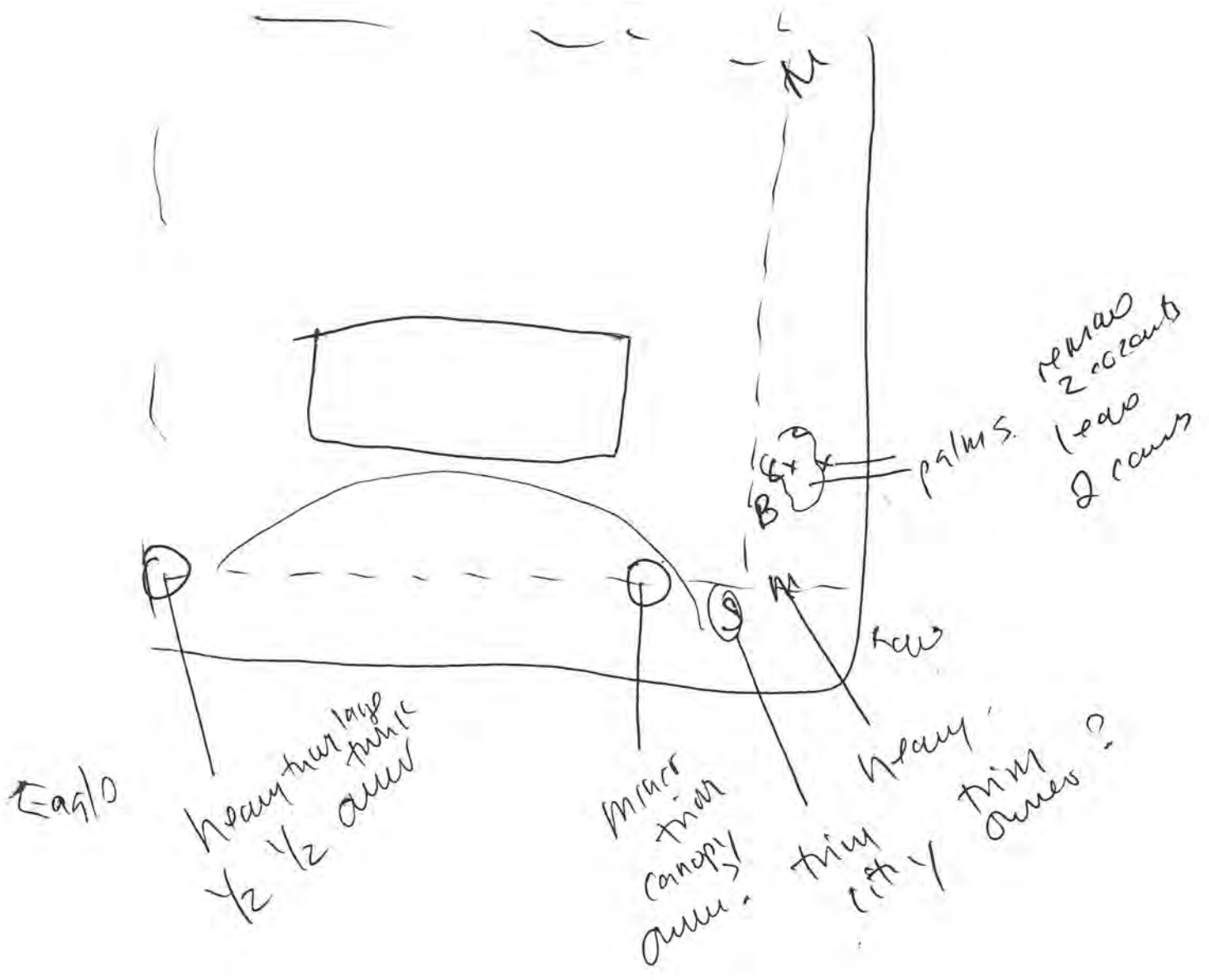
<<<<< Sketch location of tree in this area including cross/corner Street >>>>>

**Please identify tree(s) with colored tape**

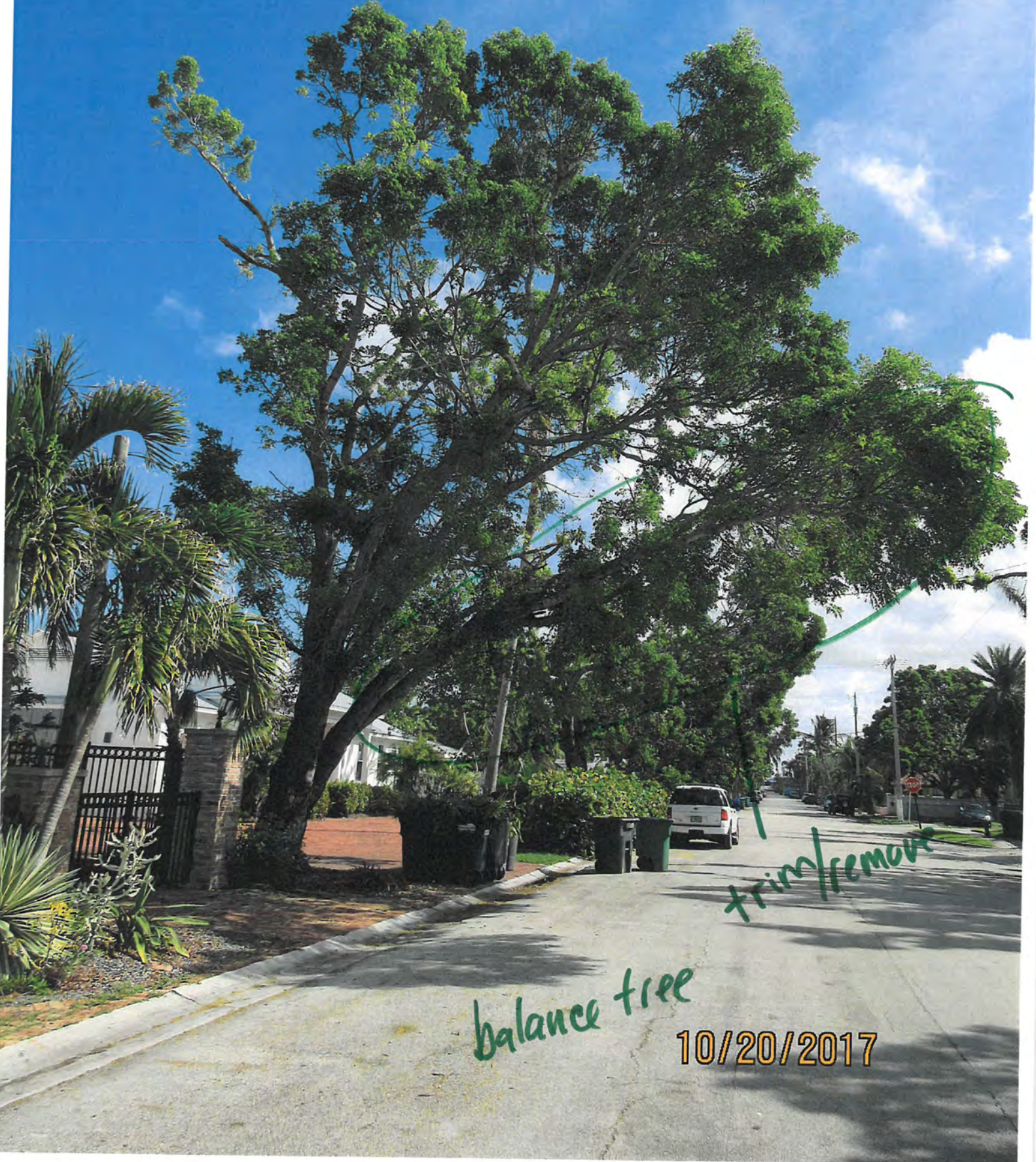
*Citizen request*  
*See attached summary notes*

#1 Mahogany - trim large branch over road to balance canopy  
 #3 Mahogany  
 Buttwood  
 Seagrass - trim away from road

If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.



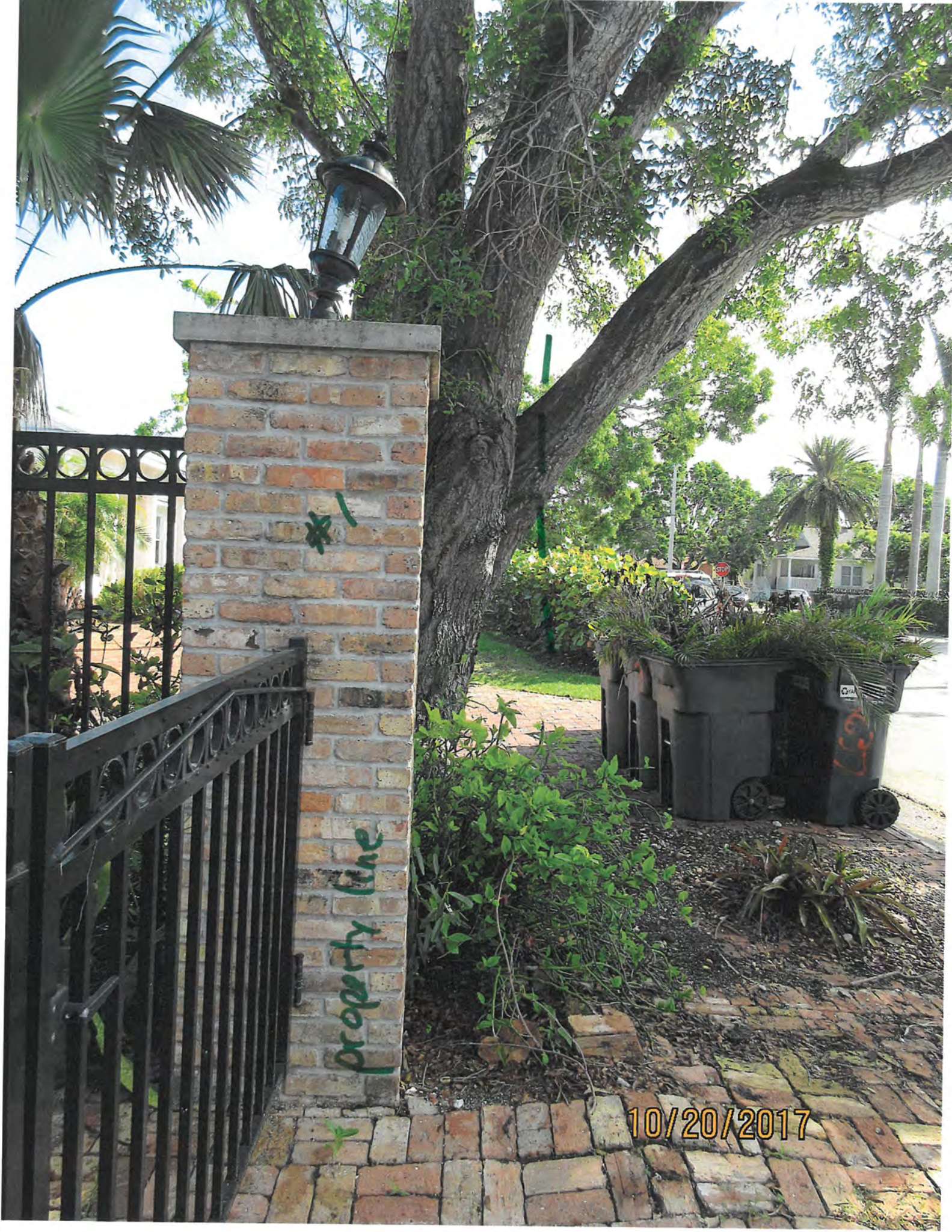
#1 Mahogany



trim/remove

balance tree

10/20/2017



property line

10/20/2017

#2 Mahogany  
Private  
Property

Approx  
Property line

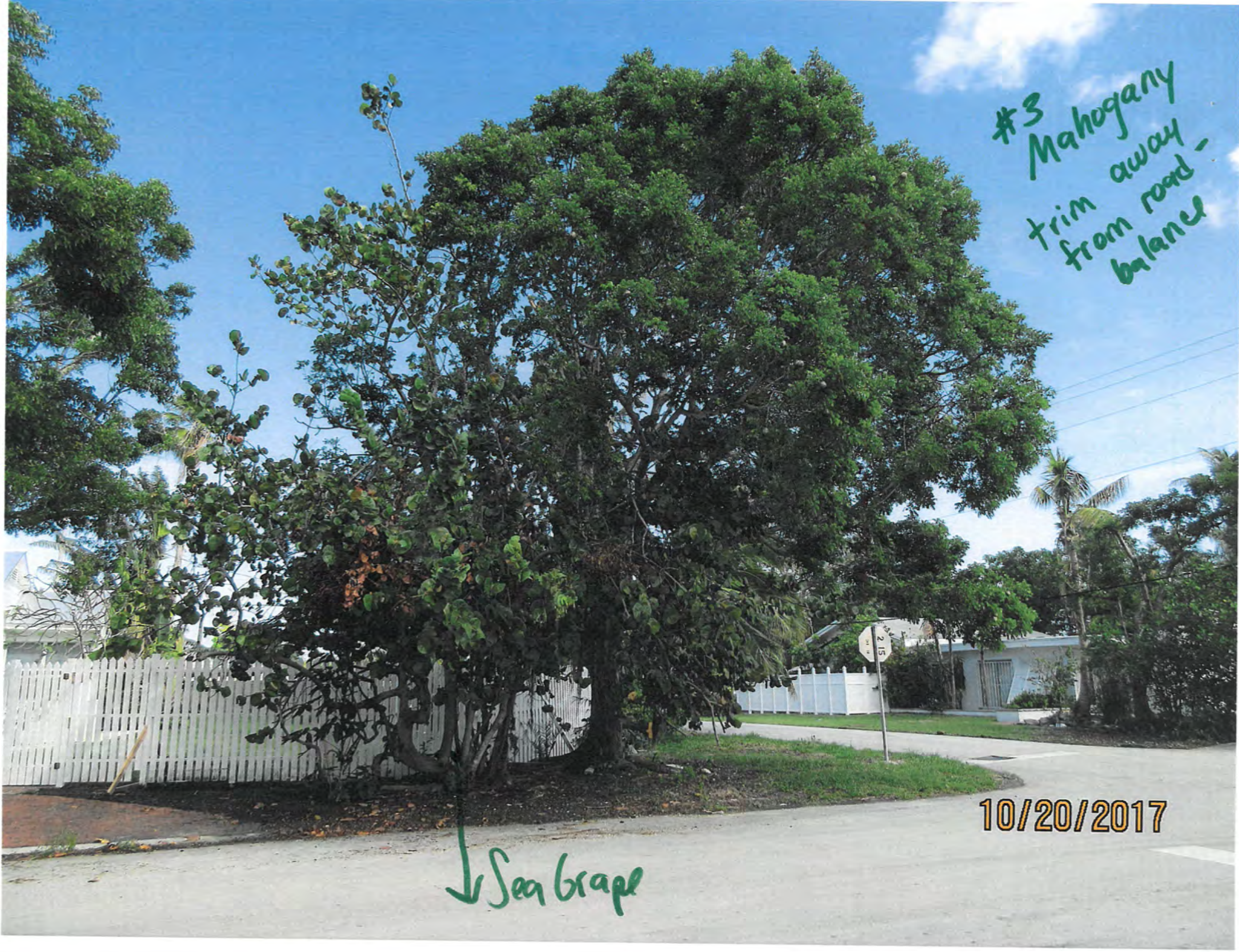
10/20/2017



#3 Mahogany  
trim away  
from road -  
balance

10/20/2017

↓ Sea Grape





↑  
Trim away  
from road -  
balance

10/20/2017



#3 магнолия

STOP

10/20/2017



Buttonwood

4 coconuts

M1. KWC.

219

10/20/2017

Buttonwood  
trim/balance

10/20/2017





Remove  
2 coconuts

10/20/2017

## Karen DeMaria

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**From:** Jared Chiagouris <jared@dougmayberry.com>  
**Sent:** Thursday, October 19, 2017 9:58 AM  
**To:** Karen DeMaria  
**Subject:** 3637 Eagle concerns

Hi Karen,  
Please see below the pictures of the trees on Eagle.

Please advise.

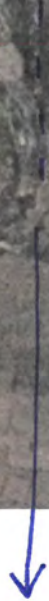




↓  
palm  
removal



#2  
Private  
Property  
Tree



#1  
1/2 1/2  
ownership





~~1~~





↓  
Sea grape

↓ #3  
Mahogany



Thank you,  
Jared

Jared Chiagouris  
REALTOR, GRI, AHWD  
1031 Exchange Specialist  
[www.JaredChiagouris.com](http://www.JaredChiagouris.com)  
Cell 305-395-9707  
Sent from my iPhone

Suttonwood

## Karen DeMaria

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**From:** Jared Chiagouris <jared@dougmayberry.com>  
**Sent:** Tuesday, October 17, 2017 2:38 PM  
**To:** Karen DeMaria  
**Cc:** Vicky Walker; Vanessa T. Sellers  
**Subject:** 3637 Eagle Ave - Tree Trimming

Hi Karen,

Please see attached photos of 3637 Eagle Ave.

3 mahogany 1 buttonwood.

Please advise on city and current owners responsibility and if you could please summarize our conversation from this morning.

My buyers will be most appreciative of your knowledge.



Hi Karen,

I have a few question about tree's on the property located at 3637 Eagle Ave.  
Who is responsible for tree trimmings of the three Mahogany tree's that appear to be on the city's right of way?  
How often if so?  
If not, are there any restrictions on hiring someone to trim tree's?

Please give me a call at 305-395-9707. I also have pictures if that helps, too.

Thank you,  
Jared

Yours Truly,  
*Jared M. Chiagouris*  
REALTOR, GRI, AHWD  
[www.JaredChiagouris.com](http://www.JaredChiagouris.com)  
Residential Sales/1031 Exchange Consultant  
[1031 EXCHANGE CONSULTANT](http://1031EXCHANGECONSULTANT)  
305-395-9707 Call/Text



## Karen DeMaria

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**From:** Jared Chiagouris <jared@dougmayberry.com>  
**Sent:** Thursday, October 26, 2017 3:37 PM  
**To:** Karen DeMaria  
**Subject:** Re: Heavy Maintenance Request - 3637 Eagle Avenue

Karen,

I am requesting the survey from sellers agent.

If my buyers do purchase the property we were curious on how the process goes.  
Now we know.

Once I have survey I will Send over for your records.

Thank you,  
Jared

Jared Chiagouris  
REALTOR, GRI, AHWD  
1031 Exchange Specialist  
[www.JaredChiagouris.com](http://www.JaredChiagouris.com)  
Cell 305-395-9707  
Sent from my iPhone

On Oct 26, 2017, at 2:24 PM, Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Natalie:

I already have a request to trim these trees. I did a site visit last week and need to confirm ownership of two of the mahogany trees before submitting a work order to the tree crews. Once a work order is submitted, I have no control as to when the work will be done as the crew is very swamped right now.

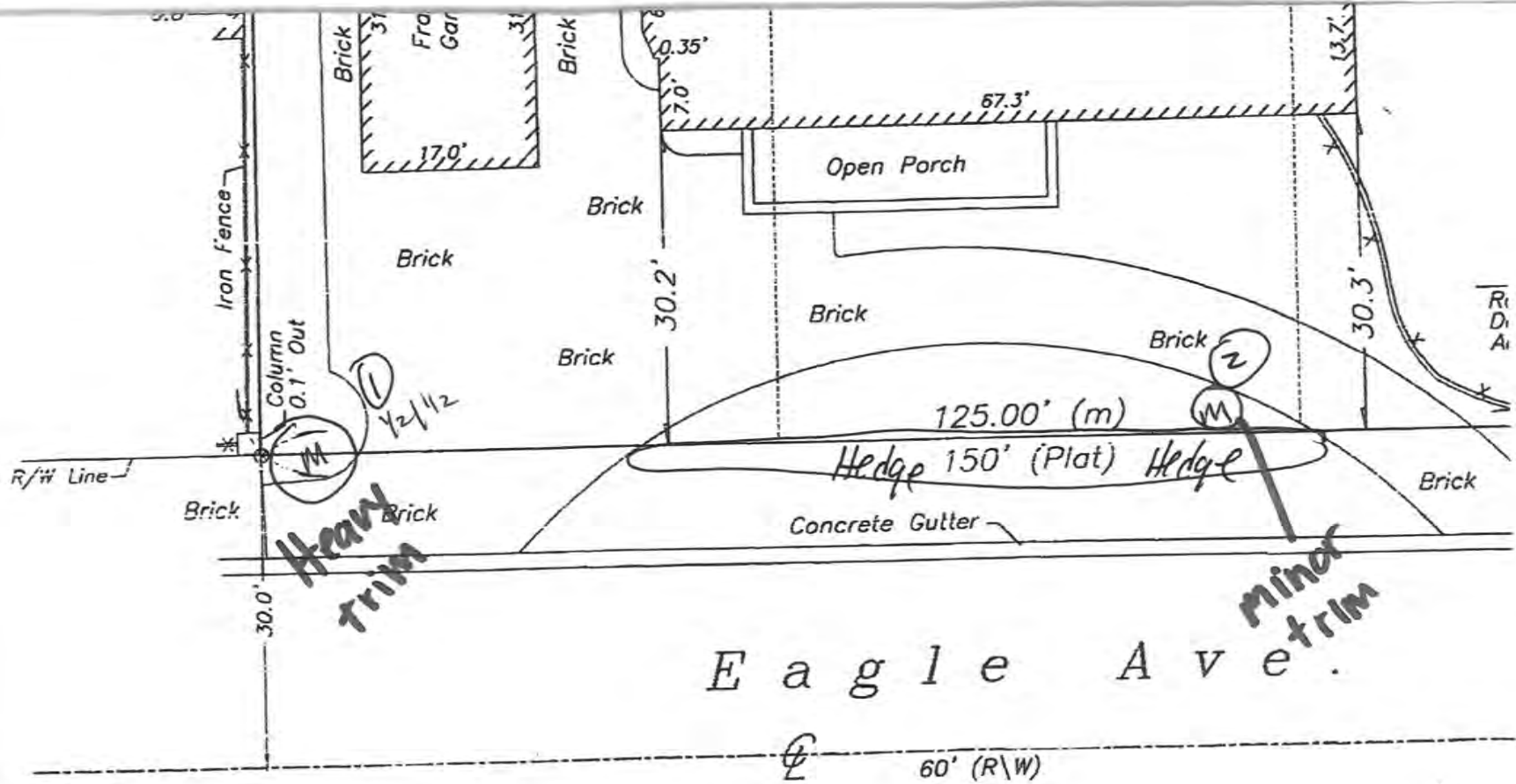
Jared: Do you have a recent survey of the property? I'm interested in the property line location along Eagle.

Sincerely,

Karen

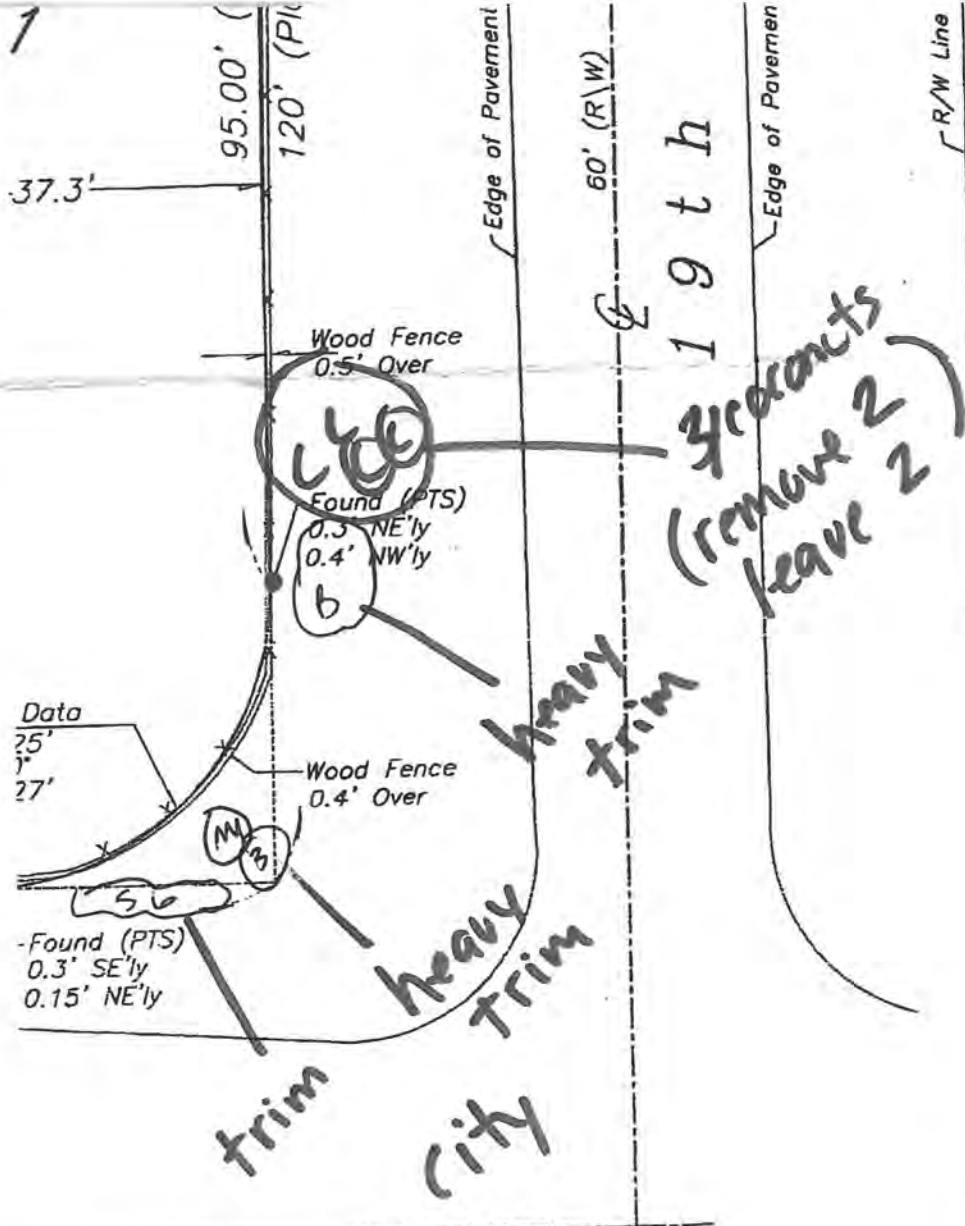
**From:** Natalie Hill  
**Sent:** Thursday, October 26, 2017 1:49 PM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Cc:** [jared@dougmayberry.com](mailto:jared@dougmayberry.com)  
**Subject:** Heavy Maintenance Request - 3637 Eagle Avenue

Good Afternoon Karen,



NOTE:  
 This Survey Map is not  
 full and complete without  
 the attached Survey Report.






- Found 1/2" Iron Rod
- ▲ Found Nail & Disc (RE)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

Sheet One of Two

**J. LYNN O'FLY**

Professional Surveyor  
PSM #



3430 Duck Ave., Key West, FL  
(305) 296-7422 FAX (305) 296-7422