



**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**

December 27, 2022

Tree Commission
City of Key West
Petitioner,

Vs.

Darek Lyzwinski
10 Lowes Lane
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, January 10, 2023**, 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 November 10, 2022 at 1009 Southard 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:

(4) Cutting upon a tree which destroys its natural shape.

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;

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

Factual allegation: One (1) Pigeon Plum tree has been improperly trimmed. More than 30% of the canopy has been removed without benefit of a major trimming permit and the natural shape of the tree has been impacted due to the improper trimming.

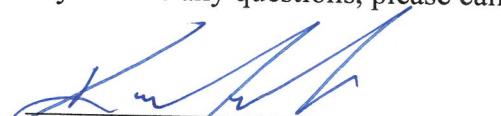


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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 and certified U.S. Mail to the above named Respondent's listed address on this **27th day of December 2022**.

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



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

cc: Melissa Jean McDaniel & Neal Ruchman
1009 Southard Street and 1001 Southard Street
Key West, FL 33040