



**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 22, 2018

Tree Commission  
City of Key West  
Petitioner,

Vs.

Charles Wicht  
1301 1<sup>st</sup> Street  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, December 11, 2018**, 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 October 15, 2018 at 1301 1<sup>st</sup> 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:
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
  - (4) Cutting upon a tree which destroys its natural shape.
  - (7) Tears and splitting of limb ends or peeling and stripping of bark.

**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

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

**Sec. 110-336. Pruning or heavy maintenance.**

- (1) Pruning of trees shall be performed following pruning standards set by ANSI A-300 standards, as provided in division 5 of this article.
- (2) A permit is not required for the trimming of a dicot tree if: less than 1/3 of the tree and/or canopy is being removed as defined in section 110-252 as minor maintenance, and the trimming does not impact the overall shape of the tree; branches being removed are not primary, structural branches and are less than 6 inches in diameter; and the work is done according to ANSI A-300 standards.
- (3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.

**Factual allegation: One (1) Gumbo Limbo, one (1) Strangler Fig, and one (1) Green Buttonwood tree have been improperly trimmed and the work was done without benefit of heavy maintenance trimming permits.**






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 regular mail and certified U.S. Mail to the above named Respondent's listed address on this **4th day of December 2018**.


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)



11/29/2018

  
**THE CITY OF KEY WEST**  
**The Commission**  
 100 Duval Street, Suite 1000  
 Key West, FL 33401

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

October 21, 2018  
 Free Commission  
 City of Key West  
 Postoffice

To: *Richard A. ...*  
 Charles K. ...  
 1311 17 Street  
 Key West, FL 33401

All administrative matters before the Free Commission of the City of Key West will be held in **Public Hearing Room 101, 101 St. of Augustin** Public City Hall in Grand Caye & ...  
 This hearing will be held on **October 21, 2018 at 10:00 AM**. The ...  
 Date of appeal initiation prior to October 19, 2018 at 10:00 AM Key West, FL.

See 118-2018-Regulation

(1) ...  
 (2) ...  
 (3) ...  
 (4) ...  
 (5) ...

Key to the Commission - average party appearance 111 - Public

11/29/2018



**THE CITY OF KEY WEST  
Tree Commission**

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

October 22, 2018

Tree Commission  
City of Key West  
Petitioner,

Vs.

Charles Wicht  
1301 1<sup>st</sup> Street  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 13, 2018**, 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 October 15, 2018 at 1301 1<sup>st</sup> 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:
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- (3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.

**Factual allegation: One (1) Gumbo Limbo, one (1) Strangler Fig, and one (1) Green Buttonwood tree have been improperly trimmed and the work was done without benefit of heavy maintenance trimming permits.**







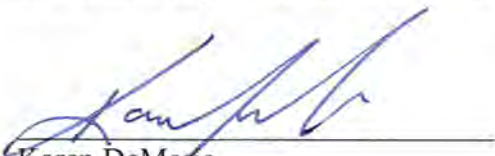
*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

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 regular mail and certified U.S. Mail to the above named Respondent's listed address on this **23th day of October 2018.**

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 1, 2018

RE: **Administrative Hearing for 1301 1<sup>st</sup> Street**

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

On October 22, 2018, an Administrative Hearing notice was sent to Charles Wicht, new owner of 1301 1<sup>st</sup> Street, regarding the improper trimming of (1) Gumbo Limbo, (1) Strangler Fig, and (1) Green Buttonwood tree located along the rear property line. Several large diameter branches were cut on the tree which required a heavy maintenance trimming permit (no permit has been applied for or issued).

On August 31, 2018, a prospective buyer (not Mr. Wicht) requested some information regarding the trees on the property. A site visit was done on September 7, 2018 which document the conditions of the trees on the property. On October 12, 2018, a large pile of vegetative debris was observed on the right of way. An inspection was done which documented that the trees had been improperly trimmed and not permit had been issued. A gentleman onsite at the time claimed he did the work to remove the branches from the roof area.







11/02/2018







10/12/2018







10/12/2018











There are actually (2) Gumbo limbo trees that have been improperly trimmed with one tree having had more than 30% of its canopy removed. One strangler fig and one Green Buttonwood tree have had more than 30% of their canopy removed with improper cuts (location and tears).

Recommendation: The property owner must hire a certified arborist to create and submit a plan to ensure the future health of the trees. It is anticipated that any corrective work will require a time frame of a few years as it is not recommended any additional trimming be done at this time. The property owner should also be fined.