

STAFF REPORT

DATE: June 6, 2016

RE: **719 Olivia Street (Administrative Hearing)**

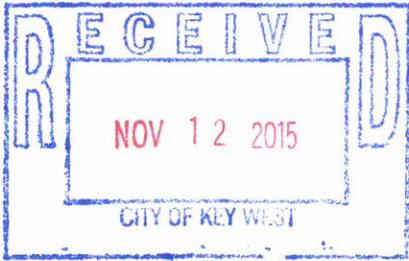
FROM: Karen DeMaria, City of Key West Urban Forestry Manager

In January 2016, an application was submitted to the Building Department for construction of a pool. The application was being processed through simultaneous plan review (16-0200, January 19, 2016). The original application submitted by the contractor stated an address of 715 Olivia Street. Through the process it was discovered that the address was incorrect and the application with the proper address of 719 Olivia Street was initiated and processed (February 8, 2016). On February 9, 2016 the Urban Forestry Manager, Karen DeMaria requested additional information. Google Earth photos indicated a large tree near the proposed pool area. A distance measurement of the pool from the tree was requested due to the potential of root and canopy impacts to the tree. Verbal communication with the pool contractor indicated that the hole had already been dug for the pool, that the outside edge of the hole was 5 ft from the base of the trunk of the gumbo limbo tree, but that no significant roots had been cut. On March 8, 2016, an arborist report regarding the tree roots was submitted into the file. Only minor roots had been cut.

A subsequent inspection of the property by the Urban Forester also revealed that protected trees planted in the backyard in November 2015 to close out a tree permit had been removed from the property. On March 15, 2016, the property owner, Kevin McGinty, was asked to respond in writing regarding the disappearance of the protected trees. On May 11, 2016, an e-mail was received from the property owner, Mr. McGinty, stating that he was responsible for the tree removals and that he accepts processing of an Administrative Hearing in front of the Tree Commission

Trees removed: (1) Bay Cedar (*Suriana maritima*), (1) Simpson Stopper (*Myrcianthes fragans*), and (1) Thatch Palm (*Thrinax morrisii*)

Trees were planted to close out two tree removal permits that required the replacement of 7 caliper inches and one native palm, 4 ft tall.



CITY OF KEY WEST

Tree Permit Job Completion

In order to close out the tree permit, the owner/agent must send in this completed form when the approved work has been completed and the replacement(s) has been completed.

In lieu of planting tree(s), you may choose to pay mitigation fees to the City Tree Fund, please make your check payable to "City of Key West" and make reference to number **00100003660100** on your check. Mitigation fees are as follows: \$250 per tree for palm trees, and/or \$150 per required replacement caliper inch for dicot/canopy or fruit trees.

Permit # TT3-6621 / TT4-6604

The replacement of (1) Simpson Stopper (1) Bay Cedar
Type of tree(s) planted or Mitigation funds attached

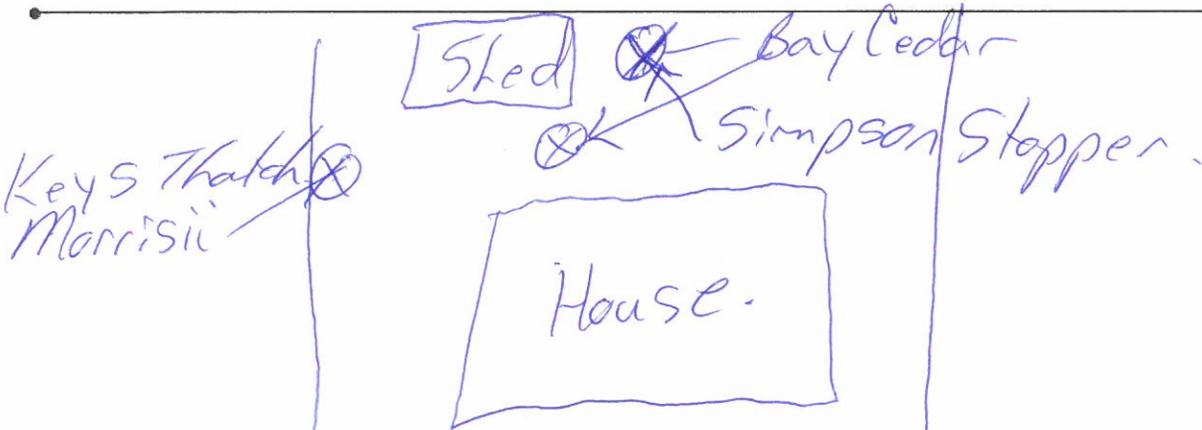
has been completed at 719 Olivia (1) Keys Thatch
Location of tree(s)

Owner Name Kevin McGinty Signature _____
Print name

Mailing Address 719 Olivia St

Phone Number _____ Date 11-10-15

Below please sketch location of replacement tree(s) including structure and cross/corner street names. Please identify tree(s) with colored tape.



Please send the complete form to the following address:

**City of Key West
Tree Commission
P.O. Box 1409
Key West, FL 33041-1409**

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

COMBINATION APPLICATION: FLOODPLAIN, CONSTRUCTION AND HARC
 \$50.00 APPLICATION FEE NON-REFUNDABLE



City of Key West
 3140 FLAGLER AVENUE
 KEY WEST, FLORIDA 33040
 Phone: 305.809.3956

HARC PERMIT NUMBER 16-01-74	BUILDING PERMIT NUMBER 16-200	INITIAL & DATE 1/14/16 <i>Scott</i>
FLOODPLAIN PERMIT		REVISION #
FLOOD ZONE	PANEL #	ELEV. L. FL.
		SUBSTANTIAL IMPROVEMENT YES <input type="checkbox"/> NO <input type="checkbox"/> %

ADDRESS OF PROPOSED PROJECT:
 RE # OR ALTERNATE KEY:
 NAME ON DEED:
 OWNER'S MAILING ADDRESS:
 CONTRACTOR COMPANY NAME:
 CONTRACTOR'S CONTACT PERSON:
 ARCHITECT / ENGINEER'S NAME:
 ARCHITECT / ENGINEER'S ADDRESS:

719 515 Olivia ST	# OF UNITS
00019220-000000	
Kevin McGinty	PHONE NUMBER
719 Olivia St	EMAIL
Fla. Keys Pool, Inc.	PHONE NUMBER 305-304-0790
Chris Garcia	EMAIL flakeyspool@bellsouth.net
Jim Reynolds	PHONE NUMBER 305-745-1200
22330 Lafitte D	EMAIL jim@reynoldsenigneerngservice.com

2422/2553 01

HARC: PROJECT LOCATED IN HISTORIC DISTRICT OR IS CONTRIB

YES NO (SEE PART C FOR HARC APPLICATION.)

CONTRACT PRICE FOR PROJECT OR ESTIMATED TOTAL FOR MA
 FLORIDA STATUTE 837.06: WHOEVER KNOWINGLY MAKES A FALSE STATEMENT
 PERFORMANCE OF HIS OR HER OFFICIAL DUTY SHALL BE GUILTY OF A MISDEA

NET GROSS PROFIT: **28,550.00**
 AND WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE
 OF THE SECOND DEGREE PUNISHABLE PER SECTION 775.082 OR 775.083.

PROJECT TYPE: ONE OR TWO FAMILY MULTI-FAMILY COMMERCIAL NEW REMODEL
 CHANGE OF USE / OCCUPANCY ADDITION SIGNAGE WITHIN FLOOD ZONE
 DEMOLITION SITE WORK INTERIOR EXTERIOR AFTER-THE-FACT

DETAILED PROJECT DESCRIPTION INCLUDING QUANTITIES, SQUARE FOOTAGE ETC.,

New 7'6" x 12' Shotcrete Swimming Pool with 4'x 12'' Tiled Wall
 and new Pool Equipment

I HAVE OBTAINED ALL NECESSARY APPROVALS FROM ASSOCIATIONS, GOVT AGENCIES AND OTHER PARTIES AS APPLICABLE TO COMPLETE THE DESCRIBED PROJECT.

OWN	3-15-16	QUALIFIER PRINT NAME: Scott Cates
OWN	Spoke to Kevin - he is supposed to send me an email stating trees rescued and will be replanted.	QUALIFIER SIGNATURE: <i>Scott Cates</i>
Notar		Notary Signature as to qualifier:
STAT		STATE OF FLORIDA; COUNTY OF MONROE, SWORN TO AND SCRIBED BEFORE ME THIS 13 DAY OF JAN , 20 16
THIS		<i>Tina Garcia</i> TINA GARCIA Notary Public - State of Florida My Comm. Expires Oct 24, 2017 Commission # FF 03225 Be Identification. Bonded Through National Notary Assn.
Pers	trees were not rescued. KD	Location: Personally known or produced

2422/2553 01



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card -
Maps are now launching the new map application version.

Alternate Key: 1020281 Parcel ID: 00019600-000000

Ownership Details

Mailing Address:
MCGINTY KEVIN
715 OLIVIA ST
KEY WEST, FL 33040-6446

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 719 OLIVIA ST KEY WEST
Legal Description: KW PT OF TR 5 BOOK OF WILLS C-394 OR41-417SM OR1000-692/693-E OR2658-1595

Karen DeMaria

From: Kevin McGinty <mcgintymarine@aol.com>
Sent: Friday, May 20, 2016 8:30 AM
To: Karen DeMaria
Subject: Re: 719 Olivia Street Administrative Hearing Tree Commission

Ok thank you .

Can you tell me if you approved the cutting back of a tree at 907 -905 Emma street?

Thanks
Kevin

Sent from my iPhone

On May 19, 2016, at 4:57 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Kevin:

Attached is a copy of the administrative hearing paperwork for your attendance at the June 14, 2016 Tree Commission meeting. Please let me know that you received this e-mail and will attend the meeting.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager/Tree Commission
Certified Arborist
305-809-3768

<719 Olivia Admin.pdf>



Key West Hideaways <reservations@keywesthideaways.com>

Fwd: Olivia Street

2 messages

Kevin McGinty <mcgintymarine@aol.com>

Wed, May 11, 2016 at 11:12 AM

To: Key West Hideaways <reservations@keywesthideaways.com>

Sent from my iPhone

Begin forwarded message:

From: <mbingramarchitect@gmail.com>
Date: May 10, 2016 at 11:40:09 PM EDT
To: Kevin McGinty <mcgintymarine@aol.com>
Subject: Olivia Street

Need a letter saying that you will replace the trees removed and that you understand that an administrative hearing will occur.

This will allow Karen to release the permit for the pool. Next; HARC – working on this.

M

Sent from Mail for Windows 10

Key West Hideaways <reservations@keywesthideaways.com>

Wed, May 11, 2016 at 11:21 AM

To: Kevin McGinty <mcgintymarine@aol.com>

Karen,

Just to let you know, I spoke with Michael Ingram in reference to the completion of the 719 Olivia Street pool installation. I will comply with city requirements to replace all trees removed and understand that an Administrative Hearing will still occur. I am in communication with Rob Crider from Just Keys Trees, Inc., and his company is contracted to complete the tree replacement.

Regards,
Kevin McGinty

Key West Hideaways
828 White Street #3
Key West, FL 33040
305-296-9090 Office
305-296-9006 Fax
Company Website

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin McGinty
Key West Hideaways
828 White Street #3
Key West, FL 33040

2. Article (Transfer) **7007 3020 0000 5347 5142**

PS Form 3811, A

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
Randy Crull

B. Received by (Printed Name) _____ C. Date of Delivery **5/25/16**

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7007 3020 0000 5347 5142

Postage	\$ 46	MAY 23 2016 Postmark Here RECEIVED
Certified Fee	330	
Return Receipt Fee (Endorsement Required)	270	
Restricted Delivery Fee (Endorsement Required)	646	
Total	646	

Sent to: **Kevin McGinty**
 Street or PO: **Key West Hideaways**
 City: **828 White Street #3**
Key West, FL 33040

PS Form 3800, August 2009 See reverse for instructions