

Administrative Hearing Notice



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3723

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

August 22, 2014

Tree Commission
City of Key West
Petitioner,

Vs.

Pinewood Enterprises, Inc
P.O. Box 430141
Big Pine Key, FL 33043

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, September 9, 2014**, at 5:00 p.m., at Old City Hall, 510 Green St. 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 July 29, 2014 at 3810 Flagler Avenue

Alleged code violation:

Sec. 110-256. Tree abuse.

- (a) *Generally.* Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.
- (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.
 - (4) Trenching of any kind shall not be done within the dripline of any tree. Only mechanical- or auger-type equipment shall be used to place conduit under a tree root system.

Section 110-321. Permit Required.

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

(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;*

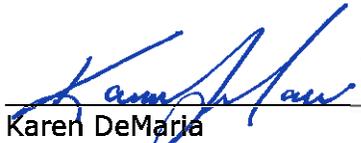
Factual allegation: The roots of two (2) large diameter Mango trees had been improperly cut for the installation of a utilities trench.

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 e-mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **22nd day of August 2014.**

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



Karen DeMaria
Urban Forestry Manager
kkdemaria@keywestcity.com

cc (Property Owner): 3810 Flagler Avenue LLC
3810 Flagler Avenue
Key West, FL 33040-4531

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:

Pinewood Enterprises
POB 430141
Big Pine Key, FL 33043

2. Article Number
(Transfer from service label)

7007 3020 0000 5347 9973

COMPLETE THIS SECTION ON DELIVERY

A. Signature

BW Thommes

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

BW THOMMES

C. Date of Delivery

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

AUG 25 2014

3. Service Type

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4. Restricted Delivery? (Extra Fee)

-
- Yes

MEMORANDUM/STAFF REPORT

DATE: August 29, 2014

RE: Administrative Hearing 3810 Flagler Avenue

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

On July 29, 2014, Karen Olson (City-Engineering Department) informed me that the roots of a large tree had been cut at 3180 Flagler Avenue. A site inspection revealed that a trench had been dug for electrical conduit. The trench was dug less than 3 ft away from the base of the tree and whomever had dug the trench had hacked through the roots of 2 large mango trees, a protected tree species. I spoke with a gentleman on site and explained that the City of Key West had regulations regarding digging around roots of trees and that the trench needed to remain open. I then spoke to a representative with Pinewood and informed them that they needed to hire an arborist to evaluate the tree and the roots that were cut and that I wanted a statement from the arborist as to the best course of action for the trees.

Photos of damage:











August 24, 2014, I received an e-mail with a statement from Larrie Busloff (Leaping Lizards Tree Service). Subsequent phone conversations determined that Larrie had properly recut the shattered roots and had trimmed the canopy of the tree. It was his professional statement that the trees should recover. He recommended that the trench be filled in with good organic soil.

Photos taken 8-25-14







----- Forwarded message -----

From: **Larrie Busloff** <larriebusloff@yahoo.com>

Date: Sat, Aug 23, 2014 at 9:41 AM

Subject: Mango, 3810 Flagler

To: "jbennett@keywestcity.com" <jbennett@keywestcity.com>

Larrie Busloff 304-1581 leaping lizard tree service

I was called to examine & hopefully correct root damage caused by trenching. The torn & shattered root ends have been cut back to healthy wood & the top(s) have been thinned & lowered to reduce windsail effect should we experience storm winds. Hopefully trench will be filled with decent soil or at least not be compacted too much!

Larrie Busloff
ISA# 16170.

Thanks!







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: 1075647 Parcel ID: 00071830-000000

Ownership Details

Mailing Address:

3810 FLAGLER AVENUE LLC
 3810 FLAGLER AVE
 KEY WEST, FL 33040-4531

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW

Affordable Housing: No

Section-Township-Range: 34-67-25

Property Location: 3810 FLAGLER AVE KEY WEST

Subdivision: Vista Del Mar

Legal: E1/2 OF LT 13 AND ALL OF LT 14 KW VISTA DEL MAR PB 3-124 OR181-276/77 OR1045-120D/C OR1342-296/97

Description: OR1349-1611 OR1370-2331/32 OR1480-452/53 OR1995-161/62AFF OR1995-163 OR2564-1637/38

Click Map Image to open interactive viewer



Karen DeMaria <kdemaria@keywestcity.com>

3810 Flagler Ave

Pinewood GC - Mia <pinewoodgc@gmail.com>
To: Karen DeMaria <kdemaria@keywestcity.com>

Mon, Aug 25, 2014 at 1:35 PM

Chris Thommes, Vice President in charge of operations.

Thanks again for your help! If there's anything we need to be doing please let us know.

Mia Santos - Office Manager

Pinewood Enterprises, Inc.

phone: 305-872-2033

fax: 305-872-2977

mailing: P.O. Box 430141 Big Pine Key, FL 33043

physical: 24748 Overseas Hwy. Summerland Key, FL 33042

From: Karen DeMaria [mailto:kdemaria@keywestcity.com]
Sent: Monday, August 25, 2014 1:12 PM
To: Pinewood GC - Mia
Subject: Re: 3810 Flagler Ave

For my files, what is Chris's full name and who is he in the company? Thank you for the information and photos. I will include them into the report.

Sincerely,

Karen

On Mon, Aug 25, 2014 at 1:08 PM, Pinewood GC - Mia <pinewoodgc@gmail.com> wrote:

Hi Karen,

Chris asked me to forward these pics to you. He said they put organic soil around

the roots.

Please let me know if you need additional info.

Thank you for your help!

Mia Santos - Office Manager

Pinewood Enterprises, Inc.

phone: 305-872-2033

fax: 305-872-2977

mailing: P.O. Box 430141 Big Pine Key, FL 33043

physical: 24748 Overseas Hwy. Summerland Key, FL 33042

Karen DeMaria

Urban Forestry Manager

Certified Arborist

City of Key West

305-809-3768