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

March 16, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Doug Leohr
387 Medina Road Suite 600
Medina, OH 44256

Michael Herrera
3831 Duck Avenue
Key West, FL 33040

South Wind Pool
505 Southard Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, April 14, 2015,** 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 February 13, 2015 at 922 Catherine Street

Alleged code violation:

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.

Section 110-321. Permit 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;

Factual allegation: South Wind Pools removed one (1) Coconut Palm without receiving a removal permit. Michael Herrera, landscaper, removed two (2) Autograph trees to be transplanted, without receiving a permit and topped three (3) Spanish Stopper trees turning them into hedges, at the request of the property owner.

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 **18th day of March 2015.**

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

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

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:

Doug Leohr
387 Medina Road-Suite 600
Medina, OH 44256

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name) Hang N. Bum
C. Date of Delivery 5-23-15

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 0500 0002 2662 7181

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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:

Michael Herrera
3831 Duck Avenue
Key West, Florida 33040

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) HELEN BASINGER
C. Date of Delivery 3/18/15

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 0500 0002 2662 7198

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7003 0500 0002 2462 7204

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

Postage	$ .48
Certified Fee	3.30
Return Reciept Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.48

Postmark Here

RECEIVED
MAR 17 2015

Sent To

Street, Apt. No.; or PO Box No.

City, State, ZIP+

South Wind Pool
505 Southard Street
Key West, Florida 33040

PS Form 3800, J

7003 0500 0002 2462 7211

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

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

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MAR 24 2015

Sent To

Street, Apt. No.; or PO Box No.

City, State, ZIP+

South Wind Pool
PO Box 387
Key West, Florida 33041

PS Form 3800, J

Staff Report

STAFF REPORT

DATE: April 1, 2015

RE: 922 Catherine Street Administrative Hearing

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

On February 13, 2015, I received a complaint regarding trees having been removed and trees improperly trimmed at 922 Catherine Street. On February 16, 2015 an inspection of the property documented that a pool had been constructed, holes were being dug for what appeared to be footers for a deck, the front gate/fence had been removed and a lot of vegetation had also been removed including one coconut tree, some Simpson stoppers, and 2 autograph trees. Other regulated trees had been trimmed/topped including two pigeon plum and 4 stopper trees.

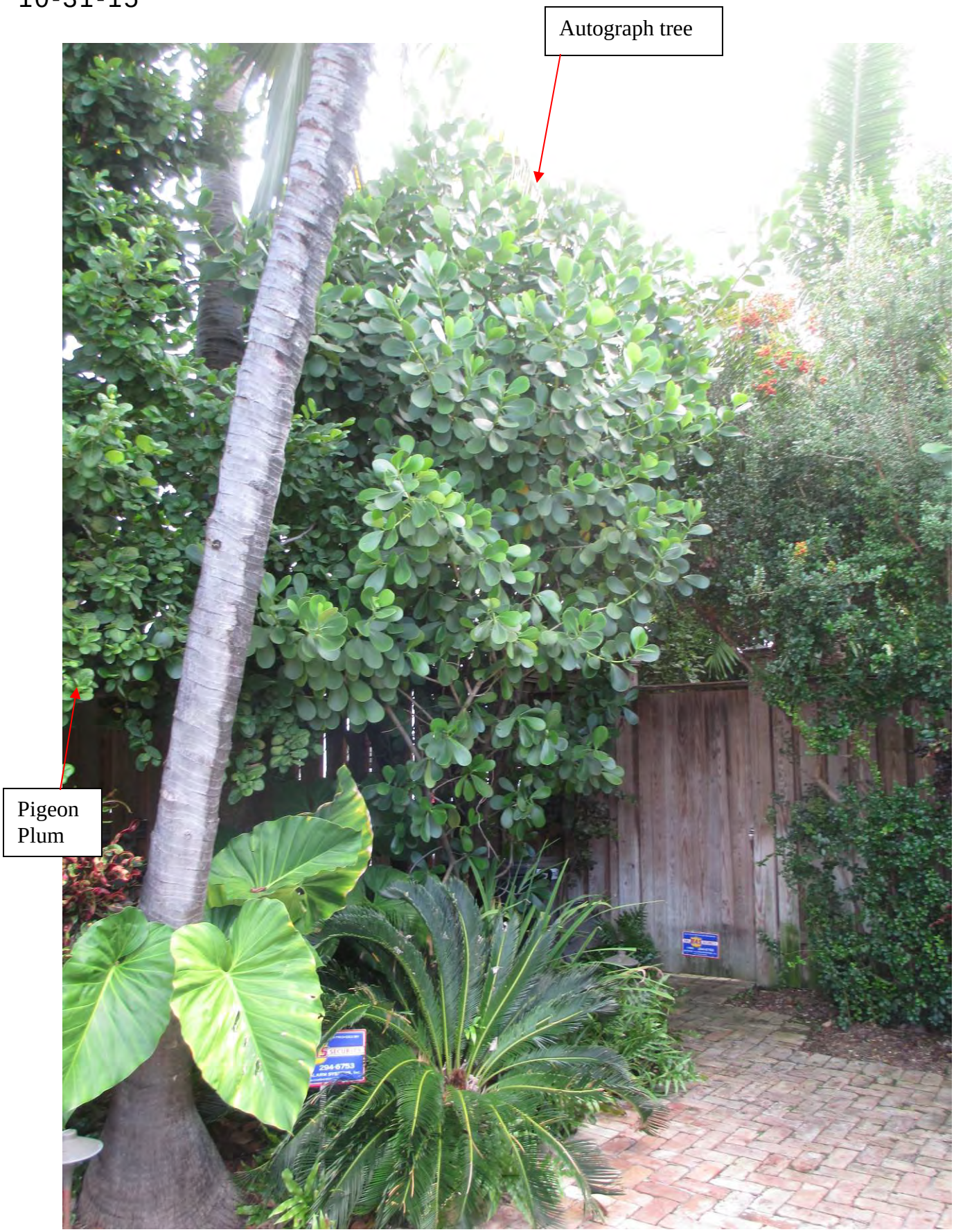
This property first came to my attention in October 2014 when an application was made to build a pool. At that time, the pool contractor was notified of regulated trees being possibly within the work area (see building permit package with memo dated October 31, 2014).

10-31-14: Standing on Catherine Street looking at front of house—Spanish stopper trees along front fence.

10-31-14: Looking at driveway/gate area

Close up of Simpson Stopper trunks

10-31-15



10-31-14

Inside the former gated yard area.

Coconut Palm

Pigeon Plum

2-16-15

Looking at Spanish Stopper trees in front of house—they have been topped (hedges). One Spanish stopper was transplanted a foot forward.

Looking at driveway/former gate area: one autograph tree and Simpson stopper have been removed

Pigeon Plum

Looking at driveway/former gate area. One Coconut Palm and another Autograph tree are missing. Top of Pigeon Plum has been cut.

Another pigeon plum tree has been topped.

From February 18 to the 27, 2015, I had many conversations with the property owner, Doug Leohr and the landscaper on the property, Michael Herrera regarding the trees on the property. Mr. Herrera stated that the Coconut Palm had been removed by the pool company before he got onsite. The tree was on the property but was dead. He did remove the two autograph trees to be transplanted and he did top the pigeon plum trees and the Spanish Stopper trees. Mr. Leohr has agreed to replant trees on the property to resolve the issue.

Issues and recommendations:

1. Coconut Palm tree was removed from the property without a permit. All information gathered indicates that the pool company, South Wind Pools, is responsible for removing the coconut palm and allowing it to die.

2. Simpson Stopper is not on the protected tree list, therefore, it is regulated if over 4” diameter. Based on photos of the multi-trunked Simpson stopper that was removed from the property it can be verified for sure whether the tree was 4” or more in diameter. Therefore, the removal of this tree is not part of this hearing.

3. Two Pigeon Plum trees had been topped. Both of these trees are located next to the fence. The trimming work does not appear to have severely altered the primary structure of the tree (they are both still trees), therefore, this trimming work is not part of this hearing.

4. Two Autograph trees had been removed from the property to be transplanted. An after-the-fact application was submitted for the transplanting and the trees have been returned to the property and replanted. It is recommended that the after-the-fact permit be processed.

5. There are four Spanish stopper trees along the front fence. Three of these trees had been topped and turned into hedges which has changed the structure of these trees. Another small Spanish Stopper tree was transplanted a foot forward to be in line with the other trees. Due to the original size of this tree, it might not be regulated. Therefore, the issue is tree abuse on three Spanish stopper trees.

2-27-15

Looking at front of house.
Spanish Stopper "trees" are behind fence.

Row of Spanish Stopper "trees" behind fence

Spanish Stopper tree:

#1: 4,5” dbh, 3 large trunks

#2: Not a tree, <1” dbh, not regulated.

#3: 5” dbh, 5 trunks

#4: 4” dbh, 3 large trunks

City of Key West
Historic Architectural Review Commission
Certificate of Appropriateness
Key West Florida
(305)809-3956

Application Number . . . . . 14-01001729 Date 11/26/14
Application pin number . . . 555234
Property Address . . . . . 922 CATHERINE ST
RE #/PARCEL #/TAX ID etc . . 0003-2080-000000- -
Previous utility acct # . . . 1032867.00
Application type description HARC APPLICATION - POOL/SPA
Subdivision Name . . . . . .
Property Use 010D
Property Zoning . . . . . HIGH DENSITY RESIDENTIAL
Application valuation 24900

Owner	Contractor
LEOHR LESLIE SR 2002 TRUST	SOUTH WIND POOLS (POOL)
2247 ROLLINGWOOD DR	POB 387
MEDINA OH 44256	KEY WEST FL 33041
	(305) 294-7665

Permit . . . . . HARC PERMIT
Additional desc . . GH
Permit Fee . . . . 100.00 Plan Check Fee . . .00
Issue Date . . . . 11/26/14 Valuation 0
Expiration Date . . 11/25/16

Qty	Unit Charge	Per		Extension
			BASE FEE	100.00

Special Notes and Comments
Construct new in ground concrete pool (8x16). Tiled wall water feature (5'Wx3'H). Pool safety net. Remove existing steps.(JoB) **HSA 11/25/14 Barrier will be placed over back porch where stairs are removed.(KP)**

Other Fees . . . . . HARC FEE MINOR PROJECT 50.00
HARC FEE INSPECTION 25.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	100.00	.00	.00	100.00
Plan Check Total	.00	.00	.00	.00
Other Fee Total	75.00	50.00	.00	25.00
Grand Total	175.00	50.00	.00	125.00

Oper: KEYWBLD Type: BP Drawer: 1
Date: 11/26/14 50 Receipt no: 6371
2014 1001729
PT * BUILDING PERMITS-NEW
1.00 $125.00
Trans number: 3031520
CK CHECK 16663 $341.00
Trans date: 11/26/14 Time: 11:42:29

11/26/14
DATE ISSUED

BY

CITY OF KEY WEST
BUILDING DEPARTMENT
CERTIFICATE OF APPROPRIATENENSS

10-30-2014 011729

APPLICATION #__-_____

HISTORIC ARCHITECTURAL REVIEW APPLICATION

OWNER'S NAME:	Leslie S.R. Lehr 2002 Trust	DATE:	10/27/14
OWNER'S ADDRESS:	2243 Rollingwood Drive Medina, OH 44256	PHONE #:	(330)416-0500
APPLICANT'S NAME:	South Wind Pools	PHONE #:	294-7665
APPLICANT'S ADDRESS:	2429 Fogarty Ave		
ADDRESS OF CONSTRUCTION:	922 Catherine Street	# OF UNITS	1

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:
- construct new inground concrete pool 8x16
- tiled wall water feature 5wx3H
- Pool safety net
- remove existing steps

*Barrier will be placed over back porch where stairs are removed.

Chapter 837.06 F.S.-False Official Statements – Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or 775.083

This application for Certificate of Appropriateness must precede applications for building permits, right of way permits, variances, and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required Submittals will be considered incomplete and will not be reviewed for approval.

Date: 10/27/14

Applicant's Signature:

Required Submittals

	TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions)
	TREE REMOVAL PERMIT (if applicable)
	PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehabs, or expansions)
	PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings and additions)
	ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES

Staff Use Only

Date:

Staff Approval: 11/25/14

Fee Due: $ 100-

Oper: KEYWOR Date: 10/31/14 Receipt no: 1001729 Drawer: 3
PT # BUILDING PERMITS-NEW 1.00 100.00
Trans number: 3028676
CK CHECK 16591 100.00
Trans Date: 10/30/14 Time: 13:48:13

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: 1032867 Parcel ID: 00032080-000000

Ownership Details

Mailing Address:
LEOHR LESLIE SR 2002 TRUST AMENDED 12/13/2002
2247 ROLLINGWOOD DR
MEDINA, OH 44256-5985

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 05-68-25
Property Location: 922 CATHERINE ST KEY WEST
Legal Description: KW G G WATSON SUB I-209 PT LOT 2 SQR 8 TR 13 E1-314 G50-368/69 G55-64/65 OR276-23/24 OR815-2044/46 OR848-540/41 OR1018-484 OR1103-866 OR1243-1901/02C OR1243-1903AFF OR1243-1904/06 OR2074-839/840 OR2242-937/38C OR2242-989/90 OR2616-141/42 OR2675-2287/88

Click Map Image to open interactive viewer

Land Details

Land Use Code	Frontage	Depth	Land Area
01SD - RES SUPERIOR DRY	48	55	2,576.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 936
Year Built: 1943

Building 1 Details

922 Catherine
Key West
Leohr Residence

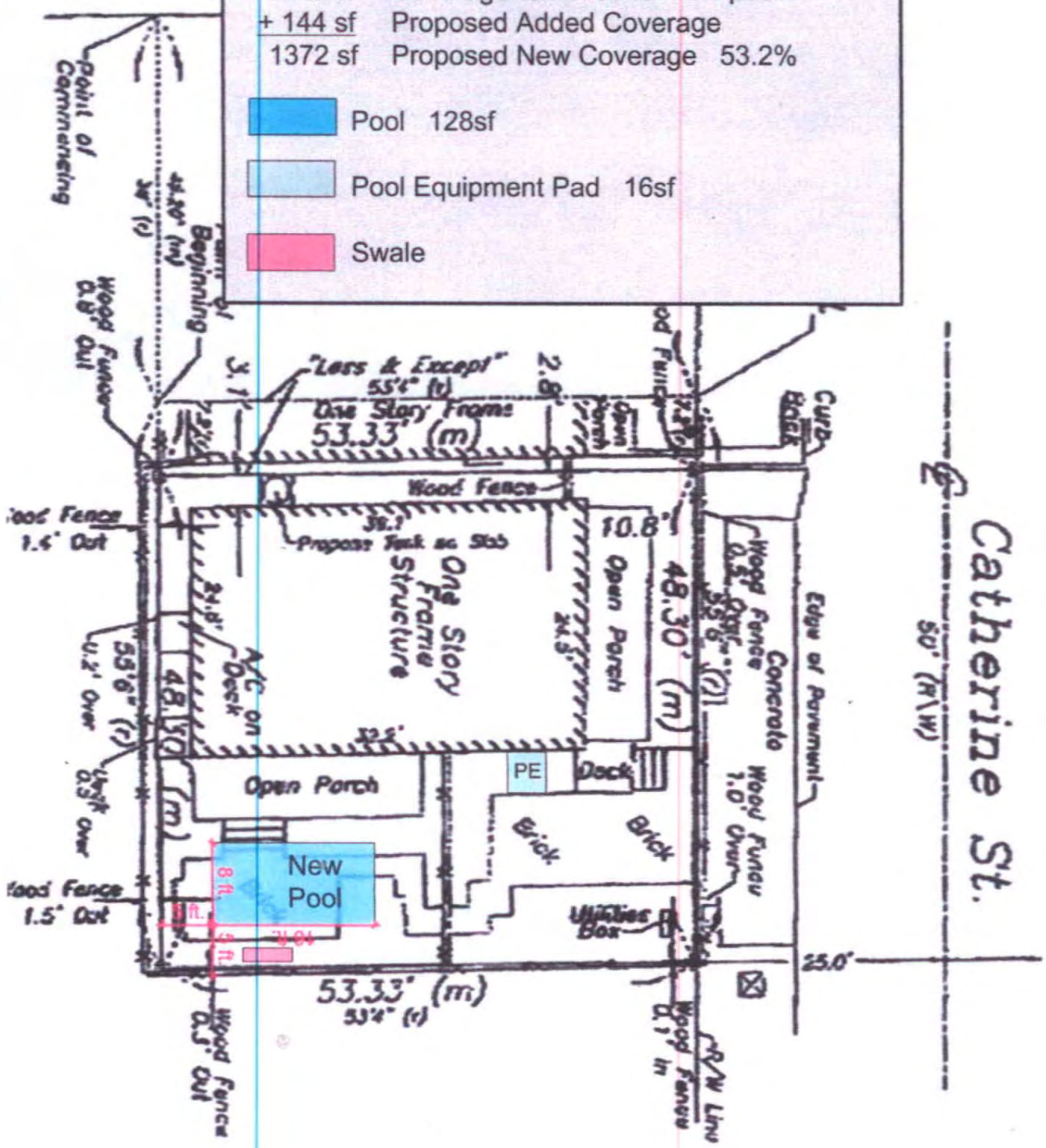
Total Land Area = 2,576 sf
60% Coverage Allowed

1338 sf	Existing Coverage	51.9%
-110 sf	Coverage removed for new pool	
+ 144 sf	Proposed Added Coverage	
1372 sf	Proposed New Coverage	53.2%

Pool 128sf

Pool Equipment Pad 16sf

Swale



MEMORANDUM

DATE: October 31, 2014

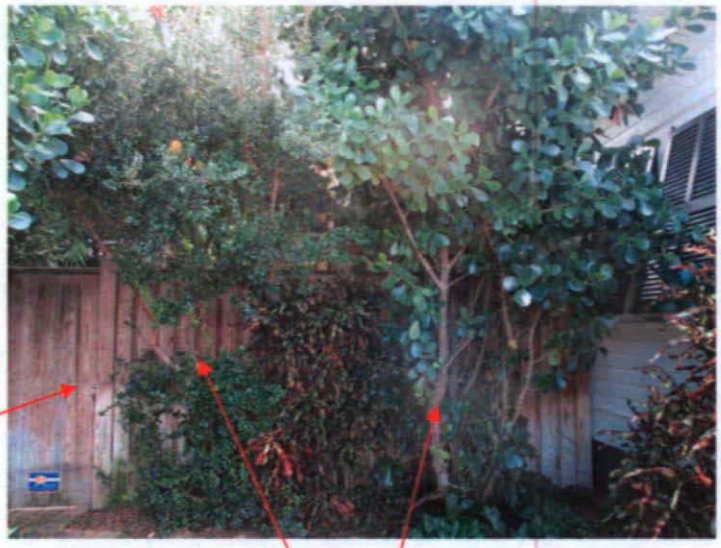
RE: 922 Catherine Street, HARC/Building permit for pool and swale areas

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

On October 31, 2014, I inspected the proposed pool and swale area. Numerous palm trees are growing in the yard area. It does not appear that any regulated palms will be directly impacted by the pool and swale construction. There are two coconut palms in the yard but they appear to be outside the work area. The one coconut palm nearest the access gate needs to be protected during construction activities.

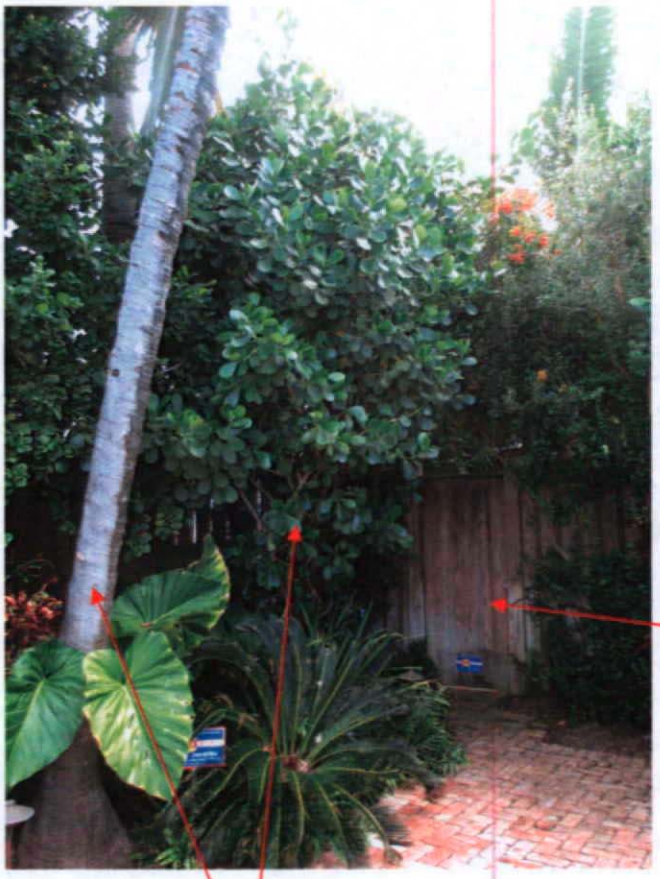
Standing at access gate looking toward proposed work area.

Access to the yard area (proposed construction area) is tight. There are several regulated trees in this area and close to the gate. Care must be taken when traversing this area. Heather from South Wind Polls indicated that a mini caboda would be used to dig the pool and swale.



Access gate

Regulated trees



Access gate

Regulated trees

Karen DeMaria

From: Doug Leohr <dleohr@prideone.cc>
Sent: Friday, February 27, 2015 12:53 PM
To: Karen DeMaria
Cc: Doug Leohr
Subject: 922 Catherine Street

Karen, it was very nice speaking with you yesterday. Please allow this email to notify you and the Tree Commission that we as the owners of 922 Catherine will replant trees to the extent necessary (or greater) to replace what was removed. Feel free to contact me at any time regarding this issue. Once again, thanks for your time yesterday.

Thanks again,

Doug Leohr

Pride One Construction
387 Medina Road, Suite 600
Medina, OH 44256
Office 330-590-8000
Cell 330-416-0500
www.prideoneconstruction.com

www.CherryTreeCondoHotel.com

Karen DeMaria

From: Michael Herrera <freedomisfun@aol.com>
Sent: Wednesday, February 25, 2015 12:15 PM
To: Karen DeMaria
Subject: Fwd: 922 Catherine trees

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Herrera <freedomisfun@aol.com>
> **Date:** February 23, 2015 at 4:25:24 PM EST
> **To:** "dave@islandcityhouse.com " <dave@islandcityhouse.com>
> **Cc:** "dleohr@prideone.cc" <dleohr@prideone.cc>
> **Subject: 922 Catherine trees**
>
> To whom it may concern
> My involvement in the trees at 922 Catherine was that I trim the pigeon plum and the three Spanish stoppers in front to make them in a hedge from speaking with the homeowner that is what he wanted me to do and then I also transplanted two autograph trees to be returned to the property.I was unaware that I needed a permit to transplant those trees. When I arrived on the property there was a 20 foot coconut tree uprooted out of the ground which I was told that Southwind pools had removed it and I was going to try to transplant on to another property but the head of it was dead.when I arrived I had no idea about the three Spanish stoppers in the front of the fence. I just trimmed up a few trees on his property to allow some light and to allow reshaping of the pigeon plum because it was leaning on the fence and was going to be a issue and possibly breaking the fence. The reason I was told to move the autograph trees is because we were moving up the fence so they needed to be transplanted for future use on the property. Feel free to call me or email me about any questions thank you (602) 421-6923
> Michael Herrera owner of lovesun property care company INC.
>
> Sent from my iPhone

Application

7300

MONROE COUNTY KEY WEST PLANNING DEPT FEB 23 2015

Tree Permit Application

Date: 2/23/15

Please Clearly Print All Information unless indicated otherwise.

Tree Address 922 Catherine St

Cross/Corner Street

List Tree Name(s) and Quantity Autograph trees

Species Type(s) check all that apply ( ) Palm ( ) Flowering ( ) Fruit ( ) Shade ( ) Unsure

Reason(s) for Application:

( ) REMOVE ( ) Tree Health ( ) Safety ( ) Other/Explain below

(X) TRANSPLANT ( ) New Location (X) Same Property ( ) Other/Explain below

( ) HEAVY MAINTENANCE ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction

Other/Explain

Reason for Request

Property Owner Name Doug Leohr

Property Owner eMail Address ~~387 Meadow Rd~~

Property Owner Mailing Address ~~Me~~ 387 Meadow Rd Suite 600

Property Owner Mailing City Meadow **State** OH **Zip** 44256

Property Owner Phone Number (330) 626-0025

Property Owner Signature

Representative Name Michael Herrera

Representative eMail Address FreedomisFun@aol.com

Representative Mailing Address 3831 Duck Ave

Representative Mailing City Key West **State** FL **Zip** 33040

Representative Phone Number (602) 421-6923

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

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

City of Key West Tree Commission

Tree Representation Authorization

Date: 2/23/15

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This **Tree Representation Authorization** form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 922 CATHERINE ST

Property Owner Name DOUGLAS C LEOHR
Property Owner eMail Address ~~[illegible]~~ DLEOHR@PRIDEONE.CC
Property Owner Mailing Address 922 CATHERINE ST
Property Owner Mailing City KEY WEST **State** FL **Zip** 33040
Property Owner Phone Number (330) 696 - 0075
Property Owner Signature

Representative Name MICHAEL HERRIRA
Representative eMail Address FREEDOMISFUN@AOL.COM
Representative Mailing Address 3831 DUCK AVE
Representative Mailing City KEY WEST **State** FL **Zip** 33040
Representative Phone Number (602) 421 - 6923

I _____, hearby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above is there is any questions or need access to my property.

Property Owner Signature _____

The forgoing instrument was acknowledged before me on this 23rd day Feb. 2015.

By (Print name of Affiant) Douglas C. Leohr who is personally known to me or has produced _____ as identification and who did take an oath.

NOTARY PUBLIC
Sign Name: Cindy Sawyer
Print Name: Cindy Sawyer
My Commission Expires: _____

Notary Public - State of Florida (seal)

CINDY SAWYER
MY COMMISSION EXPIRES
January 6, 2016
#EE 147446
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Updated: 02/22/2014

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

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

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STORAGE