

# STAFF REPORT

DATE: December 27, 2018

RE: **Administrative Hearing for 3515 Flagler Avenue**

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

On October 30, 2018, a tree crew was observed cutting down a tree at 3515 Flagler Avenue. An inspection documented that no permits had been issued to remove the Pink Tabebuia tree. It was also noted that a mahogany tree in the rear of the property had been trimmed with several cuts at or near the 6" diameter size requiring a heavy trimming permit.

The tree crew was hired by the property owner, Mr. Chery, working after hours using company equipment. The company, Brightview, immediately fired or reprimanded the employees involved. No charges have been filed against the company.

The pink tabebuia tree was a double trunked tree with a total diameter of 29.8 inches (29.8" – 24" not regulated = 5.8" of regulated tree).

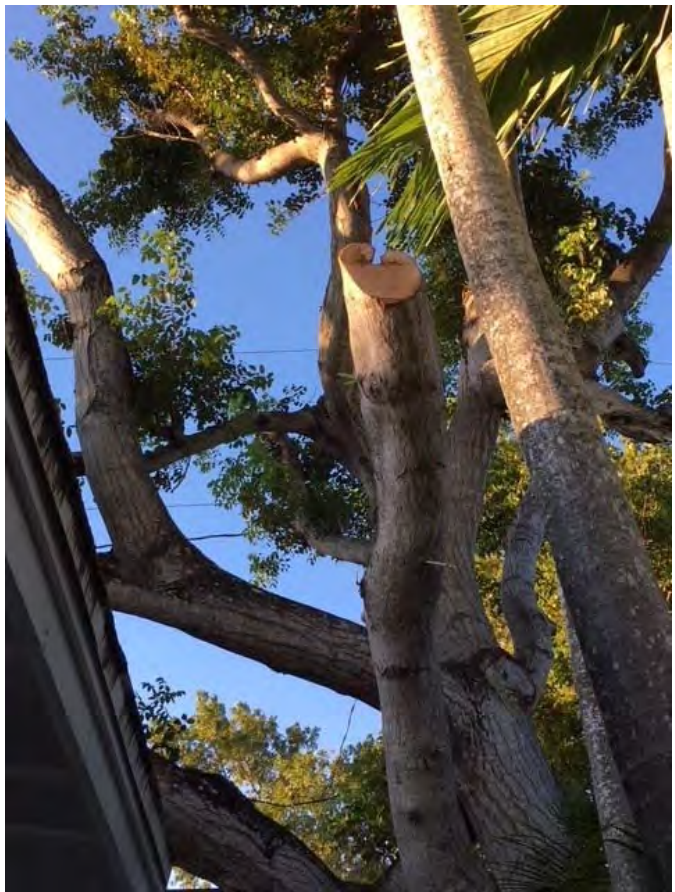
Counts:

1. Removing a regulated tree without a permit. (recommend full replacement of at least 5.8")
2. Heavy trimming of a protected tree without a permit. (fine)











10/31/2018





**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 11, 2018

Tree Commission  
City of Key West  
Petitioner,

Vs.

Wilson Chery  
2693 N. Roosevelt Blvd Apt 1  
Key West, FL 33040

Regine Chery  
3515 Flagler Avenue  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, January 8, 2019**, 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 Respondents. **Your presence is required at this Tree Commission meeting.**

**Date of alleged violation: October 30, 2018 at 3515 Flagler Avenue, Key West, FL:**

**Sec. 110-254. Unprotected trees.**

This article shall not be applicable to trees determined by the Urban Forestry Manager to have died of natural causes. The following species of trees may be acted upon without permit from the tree commission (see also section 110-322, regarding Ficus species):

Pink shower tree/tabebuia*	Tabebuia heterophylla*
*	If tree is more than two (2) feet in diameter at standard height (DSH) then permit is required.

**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

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

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

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

- (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) regulated Pink Tabebuia tree (29.8" diameter) has been removed from the property without benefit of a tree removal permit and (1) Mahogany tree was trimmed without benefit of a heavy maintenance trimming permit.**





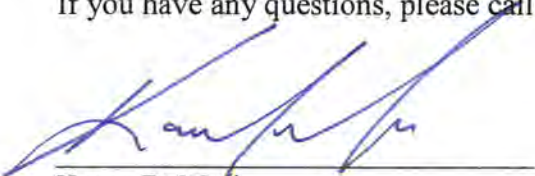


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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 **12th 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)

PLANNING

**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:

Wilson Chery  
 2693 N. Roosevelt Blvd.  
 Apt. 1  
 Key West, FL 33040

2. Article Number  
 (Transfer from service label)

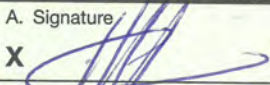
70073020000053476767

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature   Agent  
 Addressee
- B. Received by (Printed Name) *Wilson Chery* C. Date of Delivery *12/18/18*
- 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

PLANNING

**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:

Regine Chery  
 3515 Flagler Ave.  
 Key West, FL 33040

2. Article Number  
 (Transfer from service label)

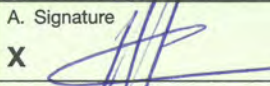
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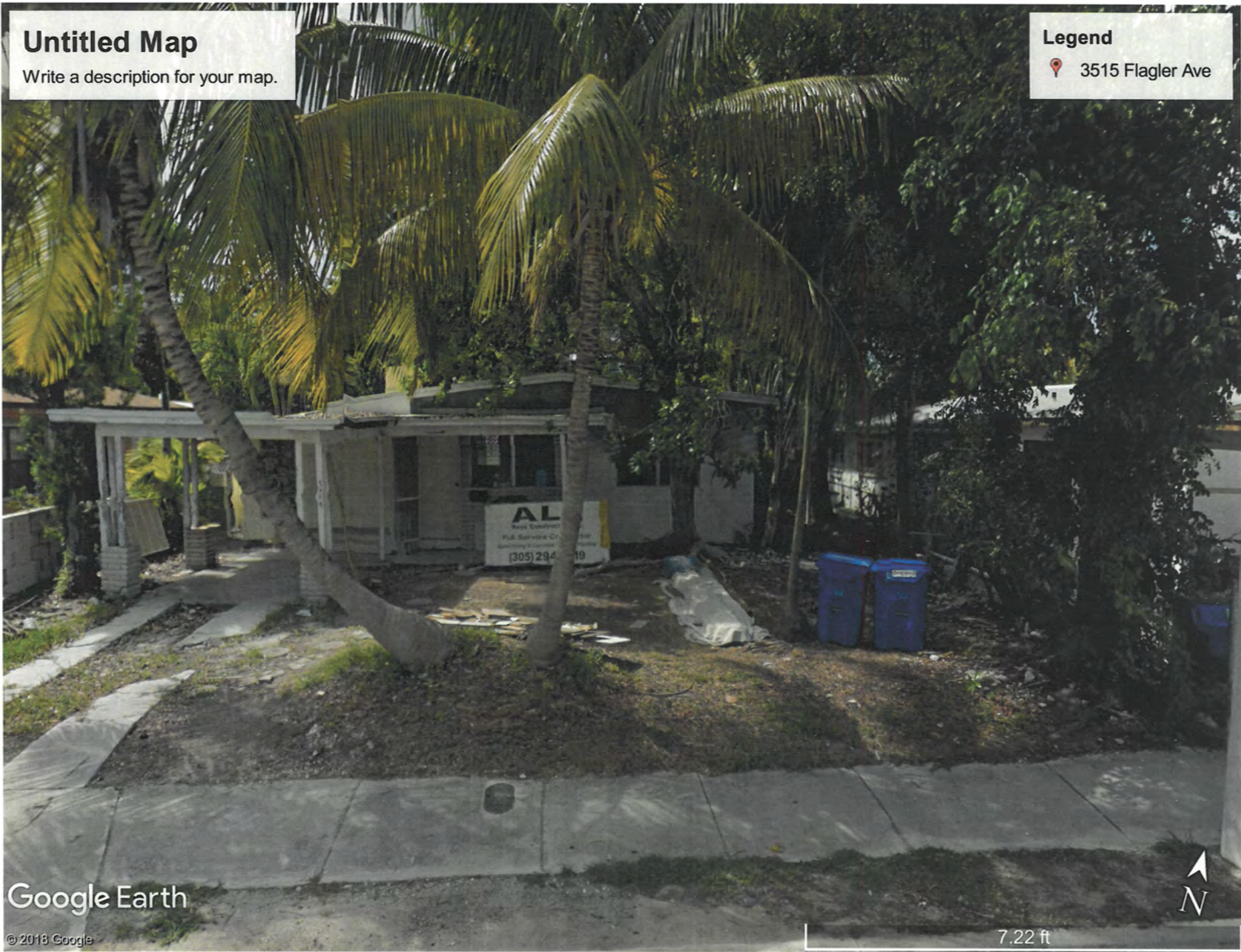
4. Restricted Delivery? (Extra Fee)  Yes

# Untitled Map

Write a description for your map.

## Legend

 3515 Flagler Ave



Google Earth

© 2018 Google




7.22 ft

# Untitled Map

Write a description for your map.

## Legend

 3515 Flagler Ave

 3515 Flagler Ave

2-2-18





12/05/2018



**Disclaimer**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00052530-000000  
 Account # 1053171  
 Property ID 1053171  
 District Group PT of Key West  
 Millage Group 1 - SCHOOL STATE - SCHOOL STATE - (1)  
 Location 3515 FLAGLER Ave., KEY WEST  
 Address  
 Legal KW KW FWDN SUB PLAT 1 PB1-155 LOTS 17 & 18 SQR 4 OR2-224/25 OR424-701 OR896-1299  
 Description OR956-445 OR987-961 OR1040-1704 OR2308-371/72 OR2913-1923/24  
 (Note: Not to be used on legal documents)  
 Neighborhood 6223  
 Property Class SINGLE FAMILY RESID (0100)  
 Subdivision Key West Foundation Co's Plat No 1  
 Sec/Twp/Rng 34/67/25  
 Affordable No  
 Housing



1053171 3515 FLAGLER AVE 01/21/16

**Owner**

CHERY REGINE  
 3515 Flagler Ave  
 Key West FL 33040

CHERY WILSON MILLEN  
 3515 Flagler Ave  
 Key West FL 33040

**Valuation**

	2018	2017	2016	2015
+ Market Improvement Value	\$153,541	\$157,581	\$113,113	\$117,863
+ Market Misc Value	\$3,740	\$3,740	\$3,741	\$3,253
+ Market Land Value	\$177,160	\$168,920	\$180,250	\$296,125
= Just Market Value	\$334,441	\$330,241	\$297,104	\$417,241
= Total Assessed Value	\$334,441	\$326,814	\$297,104	\$287,279
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$334,441	\$330,241	\$297,104	\$417,241

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	5,000.00	Square Foot	50	100

**Buildings**

Building ID 4256  
 Style GROUND LEVEL  
 Building Type S.F.R. - R1 / R1  
 Gross Sq Ft 1610  
 Finished Sq Ft 1133  
 Stories 1 Floor  
 Condition AVERAGE  
 Perimeter 174  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 22  
 Interior Walls PLYWOOD PANEL

Exterior Walls C.B.S.  
 Year Built 1953  
 EffectiveYearBuilt 2002  
 Foundation CONCR FTR  
 Roof Type GABLE/HIP  
 Roof Coverage ASPHALT SHINGL  
 Flooring Type CONC ABOVE GRD  
 Heating Type NONE with 0% NONE  
 Bedrooms 3  
 Full Bathrooms 2  
 Half Bathrooms 0  
 Grade 500  
 Number of Fire Pl 1

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	CARPOT FIN	187	0	56
FLA	FLOOR LIV AREA	1,133	1,133	174
OPF	OP PRCH FIN LL	70	0	38
SPF	SC PRCH FIN LL	176	0	54
SBF	UTIL FIN BLK	44	0	30
<b>TOTAL</b>		<b>1,610</b>	<b>1,133</b>	<b>352</b>

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
CH LINK FENCE	1964	1965	1	120 SF	1
WOOD DECK	1983	1984	1	490 SF	2
FENCES	1987	1988	1	232 SF	2
WALL AIR COND	2018	Roll Year	1	3 UT	1

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
6/21/2018	\$480,000	Warranty Deed	2175302	2913	1923	Q1 - Qualified	Improved
2/1/1988	\$118,000	Warranty Deed		1040	1704	Q - Qualified	Improved
9/1/1986	\$75,000	Warranty Deed		987	961	Q - Qualified	Improved
11/1/1983	\$75,000	Warranty Deed		896	1299	Q - Qualified	Improved

**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
15-3707	9/9/2015	9/25/2015	\$1,200		INSTALL NEW CIRCUITS FOR RANGE DISHWASHERS & REFRIGERATOR IN KITCHEN INSTALL CONDUIT AND WIRE TO CEILING FANS FROM EXISTING OUTLETS IN THREE BEDROOMS AND KITCHEN.
15-2083	5/27/2015	10/15/2015	\$28,000		1000 SQ/FT REPLACE PORCH AND CAR PORT FOOTING, SUPPORT (6 X 6) AND ROOF SUPPORT 4 X 6 BEAMS AND PAINT INTERIOR AND EXTERIOR.
15-0633	2/23/2015	8/13/2015	\$35,000		REPAIR 28 LF OF DAMAGED CONCRETE TILE BEAM ON THE FRONT OF HOUSE ON THE RIGHT SIDE AND CONCRETE TIE BEAM ON THE LEFT SIDE.
13-5067	11/26/2013	12/3/2013	\$4,669		WHITE COAT THE 'SBS' MODIFIED BITUMEN SINGLE PLY ROOFING
9701647	5/1/1997	8/1/1997	\$4,000		16 SQS MODIFIED RUBBER

**Sketches (click to enlarge)**



**Photos**





Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

## Karen DeMaria

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**From:** Annette M. Chapel <Annette.Chapel@brightview.com>  
**Sent:** Friday, November 9, 2018 3:04 PM  
**To:** Karen DeMaria  
**Cc:** William Bastida  
**Subject:** RE: Key west fine

Hello Karen,

I am writing to inform you that our Tree Care division was sent to Key West on 11/1/18 to perform work for one of our customers. A nearby homeowner convinced one of our crew members to do an unauthorized side job. We did not find out about this incident until the next day. When confronted, the employee in question admitted to doing the job and accepting payment without company authorization. He was immediately terminated and the rest of the crew that he was working with that day were suspended. Our Production Manager, conducted a stand down with the entire tree care team to reinforce that no side jobs are to ever be done and, more importantly, no tree removals are to be done without proper approval and permitting.

Our apologies for this unfortunate incident.

Please let me know if you need any further information.

Annette Chapel  
Branch Administrator  
BrightView Landscape Services

4155 E. Mowry Drive  
Homestead, FL 33033

T.305 258 8011  
F.305 258 0809  
[annette.chapel@brightview.com](mailto:annette.chapel@brightview.com)  
[www.brightview.com](http://www.brightview.com)

**BrightView** 