

STAFF REPORT

DATE: January 6, 2023

RE: **Administrative Hearing for 1009 Southard/10 Lowes Lane (TC2022-0013)**

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

On November 10, 2022, I received an email from the property owner at 1009 Southard Street, Melissa Jean McDaniel and Neal Ruchman, stating their neighbor had “illegally butchered” their pigeon plum tree. On November 15, 2022, a site visit was conducted:



Photo showing location of tree in relation to property line with 10 Lowes lane, view 1.



Photo showing location of tree in relation to property line with 10 Lowes lane, view 2.

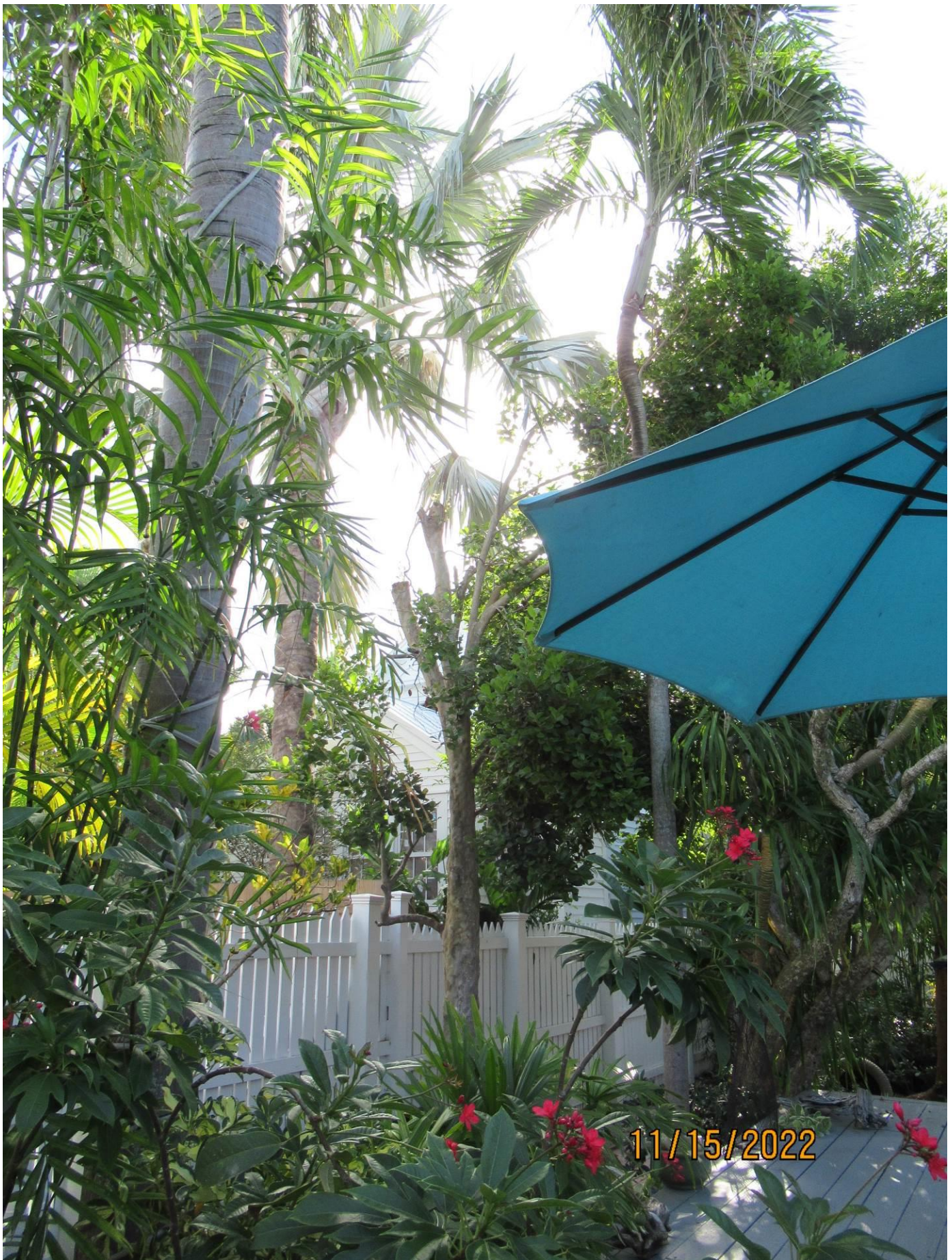


Photo of tree showing half of tree canopy removed.



Photo of canopy showing cuts.





Photo of canopy cut.



Photo of canopy cut.



Photo of canopy cut.



Photo of canopy cut.

Discussion with the property owner of 10 Lowes Lane, Darek Lyzwinski, indicates that he did cut the tree. He claimed there was a broken branch/branches that had fallen over toward his property and he was just trying to fix the problem. When asked if he had any photos of the broken branches or the tree at that time he said no. It was also pointed out that he cut the tree well inside his neighbors property line.

Issues: The tree was improperly trimmed (stub cuts and flat cuts) and almost half the canopy was removed which would have triggered the need for a permit.

ADDITIONAL INFORMATION

Karen DeMaria

From: Melissa McDaniel <melissajeankw@me.com>
Sent: Friday, January 6, 2023 12:01 PM
To: Karen DeMaria; Neal Ruchman
Subject: [EXTERNAL] 10 lowes lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
>
> Dear Key West City Tree Commission,
>
> We are writing to bring to your attention to a matter concerning our property located at 1009 Southard Street. Recently we were surprised to find that the owner of 10 Lowes Lane had cut down a healthy tree on our property without our permission. While we were on vacation.
>
> He claims that it had fallen during the hurricane, however it appears he cut the tree. When I said so he said he cut it back past where the damage. No photos of the hurricane damage have been produced by to support that claim. He offered to replace our tree with a new small plants- a task impossible due to the fact that our tree had been growing for many years. He cut with such disregard for proper pruning that it will take many years for the tree to recover. We would like 5 years of managed care and proper pruning by our arborist Ken King to help the tree regrow into a natural shape.
>
> Equally as concerning to us is the recent news that the neighbor of 10 Lowes Lane (Daryk Lywszinski), has clear cut his entire yard without taking into consideration the importance of preserving tree growth in the Key West area.
>
> We appreciate your attention to this matter and would greatly value any assistance you might be able to offer. We are past fortunate to have the beauty of our community and would not like to see it threatened by carelessness towards our trees.
>
> Sincerely,
>
> Neal Ruchman and Melissa Jean McDaniel Owners of 1009 Southard Street
>
> Sent from my iPhone

Karen DeMaria

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Wednesday, November 30, 2022 12:26 PM
To: Karen DeMaria
Cc: Zoe Porter
Subject: [EXTERNAL] Re: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

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Sorry. I'm representing the property owner of 10 Lowes Lane.

Get [Outlook for iOS](#)

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Wednesday, November 30, 2022 12:25:38 PM
To: Richard McChesney <richard@spottswoodlaw.com>
Cc: Zoe Porter <zoe.porter@cityofkeywest-fl.gov>
Subject: RE: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

Richard,

Who are you representing?

Sincerely,

Karen

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Wednesday, November 30, 2022 12:03 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Zoe Porter <zoe.porter@cityofkeywest-fl.gov>
Subject: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

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Good Afternoon Karen,

I was wondering if you might have some time to do a site visit out at the property. Let me know what works for you!

Thank you,

Richard J. McChesney, Esq.
Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax

Karen DeMaria

From: melissajeankw@me.com
Sent: Thursday, November 10, 2022 7:40 AM
To: Karen DeMaria
Subject: [EXTERNAL] 1009 Southard Street/ 10 Lowes Lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms DeMaria,

I recently returned from vacation to find that the new owner of 10 Lowes Lane illegally butchered my big old Pigeon Plum. He told me the top fell into his yard during Ian and he just cut it back past where it was damaged. I asked for a photo which he could not produce. He also clear cut his entire back yard and the property line we share. I had left foliage between our properties on the Lowes Lane side rather than bring my new fence all the way to the corner of our property. Granted it was a large *Darcena marginata* and a large corn plant so not special plants but pretty just the same. The corn plant he cut to the ground and the *dracaena* he cut he cut down the middle/property line. Derrick/owner/houseflipper at 10 Lowes Lane now has a variance request hearing for this property.(RE# 00007530-000000) A request for a variance to the minimum required frontside, and rear setbacks, and the minimum required open space. I am including photos of the Pigeon plum and requesting that you come see what has been done in person. I just received the notice of variance request yesterday and since tomorrow is a holiday am hoping you will find time today.

I am disgusted by that fact that the man has cut away 7/8ths of my pigeon plum and now wants to plant a house in its place.

You can reach me @ 305-923-1616.

Sincerely,

Melissa Jean McDaniel and Neal Ruchman
1009 Southard Street

#

(305)923-1616

Untitled Map

Write a description for your map.

Legend

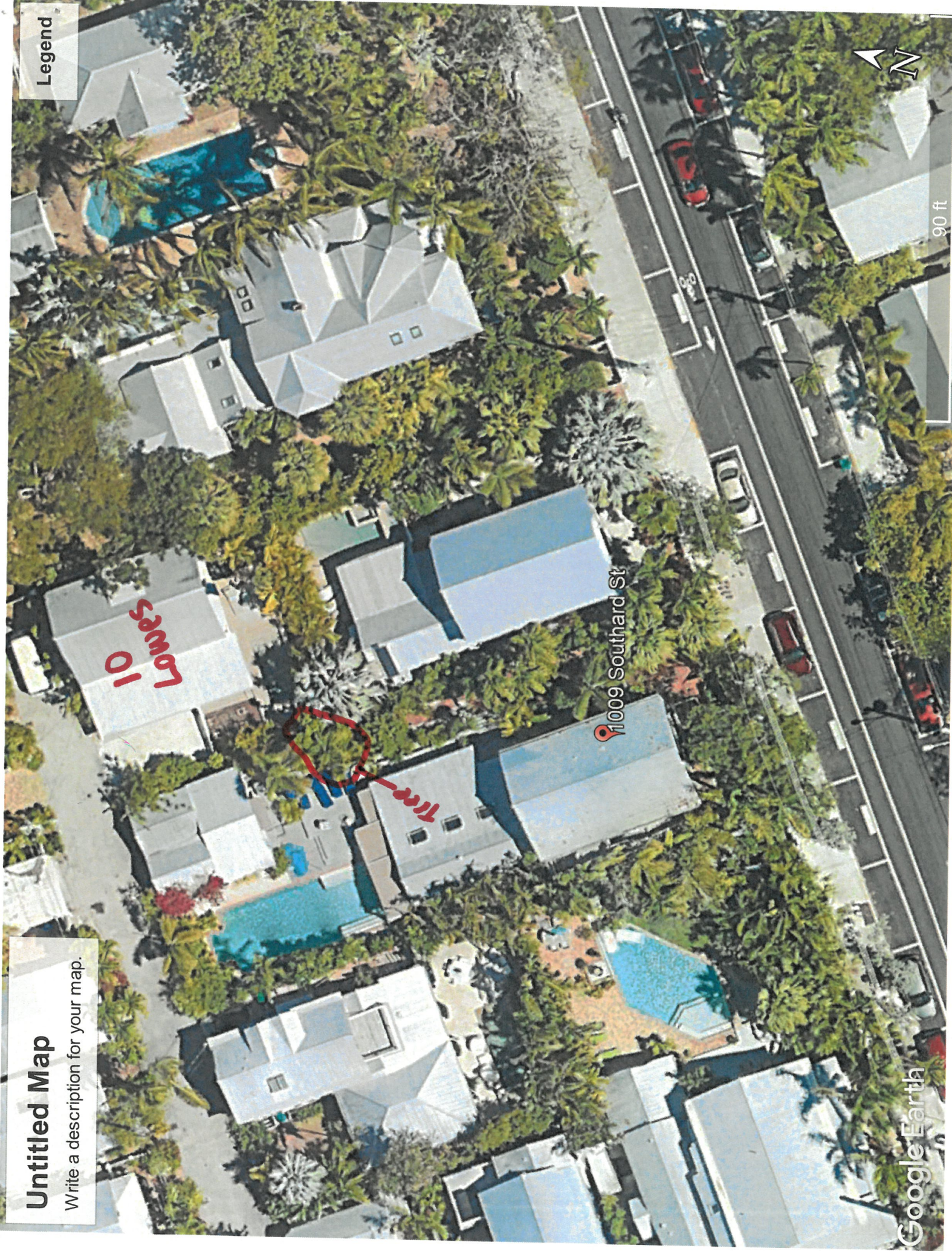
10 lanes

10 lanes

1009 Southard St

Google Earth

90 ft



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 00007580-000000
Account# 1007854
Property ID 1007854
Millage Group 10KW
Location Address 1009 SOUTHDARD St 1 2 AND 3, KEY WEST
Legal Description KW PT LOT 4 SQR 45 C2-16 OR748-36 OR871-1083 OR909-1706 OR1578-2404 OR2340-1985 OR2340-1988 OR2340-1992 OR2759-2007 OR3146-0236 OR3146-0243
(Note: Not to be used on legal documents.)
Neighborhood 6108
Property Class MULTI-FAMILY TRIPLEX (0803)
Subdivision
Sec/Twp/Rng 06/68/25
Affordable No
Housing

**Owner**

RUCHMAN NEAL
 1001 Southard St
 Key West FL 33040

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$1,215,716	\$1,064,560	\$623,633	\$637,491
+ Market Misc Value	\$28,851	\$28,854	\$28,857	\$28,860
+ Market Land Value	\$1,196,104	\$884,666	\$1,298,875	\$1,298,875
= Just Market Value	\$2,440,671	\$1,978,080	\$1,951,365	\$1,965,226
= Total Assessed Value	\$2,440,671	\$1,978,080	\$1,951,365	\$1,868,390
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$2,440,671	\$1,978,080	\$1,951,365	\$1,965,226

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI-FAMILY SUPERIOR (08SD)	6,944.00	Square Foot	0	0

Buildings

Building ID 521	Exterior Walls ABOVE AVERAGE WOOD
Style 2 STORY ELEV FOUNDATION	Year Built 1933
Building Type M.F. - R2 / R2	EffectiveYearBuilt 2011
Gross Sq Ft 4650	Foundation WD CONC PADS
Finished Sq Ft 2328	Roof Type GABLE/HIP
Stories 3 Floor	Roof Coverage METAL
Condition AVERAGE	Flooring Type SFT/HD WD
Perimeter 290	Heating Type FCD/AIR DUCTED
Functional Obs 0	Bedrooms 5
Economic Obs 0	Full Bathrooms 3
Depreciation % 12	Half Bathrooms 0
Interior Walls WALL BD/WD WAL	Grade 650
	Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	288	0	0
FHS	FINISH HALF ST	864	0	0
FLA	FLOOR LIV AREA	2,328	2,328	0
OPU	OP PR UNFIN LL	1,068	0	0
OUU	OP PR UNFIN UL	84	0	0
OPF	OP PRCH FIN LL	18	0	0
TOTAL		4,650	2,328	0

Building ID 522	Exterior Walls ABOVE AVERAGE WOOD
Style 1 STORY ELEV FOUNDATION	Year Built 1933
Building Type S.F.R. - R1 / R1	EffectiveYearBuilt 2012
Gross Sq Ft 676	Foundation WD CONC PADS
Finished Sq Ft 442	Roof Type GABLE/HIP
Stories 1 Floor	Roof Coverage METAL
Condition GOOD	Flooring Type SFT/HD WD
Perimeter 104	Heating Type NONE with 0% NONE
Functional Obs 0	Bedrooms 1
Economic Obs 0	Full Bathrooms 1
Depreciation % 10	Half Bathrooms 0
Interior Walls DRYWALL	Grade 500
	Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	442	442	120
OPF	OP PRCH FIN LL	65	0	36
SBF	UTIL FIN BLK	169	0	52
TOTAL		676	442	208



- ### Legend
- Center line
 - Easements
 - Hooks
 - Lot Lines
 - Road Center
 - Rights of Way
 - Shoreline
 - [] Condo Building
 - Key Names
 - [] Subdivisions
 - [] Parcels

(Note: Not to be used on legal documents)

Date created: 12/27/2022

Last Data Uploaded: 12/27/2022 4:50:29 AM

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