



**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**

October 25, 2022

Tree Commission
City of Key West
Petitioner,

Vs.

George T. Pallas
2420 Coral Way
Coral Gables, FL 33145

An administrative hearing before the Tree Commission for the City of Key West will be held on **Monday, November 7, 2022**, 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 Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to October 12, 2022 at 1008 White Street, Key West, FL:

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 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: One (1) Avocado tree has been removed without benefit of a tree removal permit.



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



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 via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **25th day of October 2022**.

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



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

STAFF REPORT

DATE: November 4, 2022

RE: Administrative Hearing for 1008 White Street (TC2022-00011)

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

On October 8, 2022, I received an email complaint from Karen O'Leary, regarding the removal of an avocado tree at 1008 White Street. The email contained the following photos:



Photo of avocado tree in the process of being cut down.



Two
photos of
avocado
tree being
cut down.

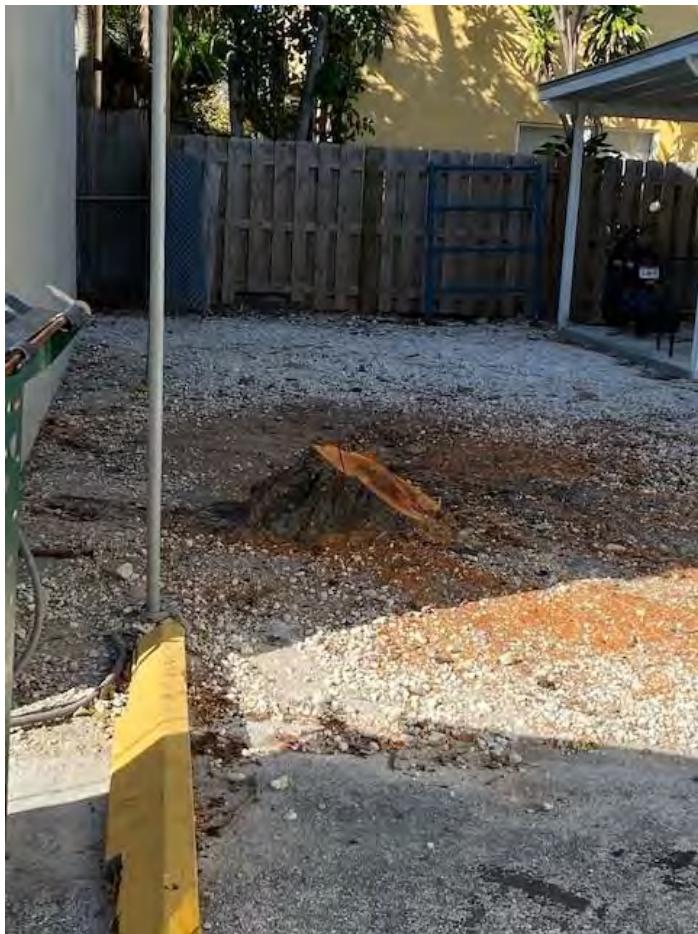


After verification that no removal permits had been issued for the removal of an avocado tree on this property and verification of the class/zoning of the property as store combo and not single family residential, an inspection was conducted on October 10, 2022 of the area (from the public sidewalk and neighboring driveway and parking area) which documented the tree had been removed from the rear of the property. I then spoke to an employee of the store in the front of the building and left my business card for the owner or manager. The owner, George Pallas, later called and we discussed the removal and later we had an email discussion regarding the tree and procedures to resolve the removal issue (see attached email).



Photo showing avocado tree removed.

I asked for permission to enter the property to measure the stump but Mr. Pallas said he could not allow anyone on the property without him being present. Therefore, caliper measurements of the stump are estimated at 14 caliper inches (using the width of the curb stop in the below photos as a guideline).



Two photos of avocado tree stump and parking curb.



Avocado tree



Google aerial photo of area dated February 2018.

tree



Google streetview photo of area dated March 2019.

Karen DeMaria

From: Karen DeMaria
Sent: Tuesday, October 18, 2022 2:02 PM
To: George Pallas
Subject: RE: [EXTERNAL] RE: [EXTERNAL] 1008 White Street, avocado tree

George:

I am not authorized to process removal permits or after the fact permits for dicot tree removals. A permit was required from the Tree Commission to remove the tree (Sec 110-321 and Sec 110-253 of the Land Development Regulations). Who actually did the removal (cut it down)? I would like to make sure they understand the City regulations so they do not do this again. I am also aware someone was there this morning hacking at the stump.

The only way I can resolve this tree removal issue is via an administrative hearing in front of the Tree Commission. You will be asked if you want to enter into a settlement agreement and I recommend you say yes. You can present your evidence regarding the tree and why you had it removed and the Tree Commission will decide the punishment. They usually require replanting on the property. If you choose not to enter into a compliance settlement agreement then the file is sent to the Code Enforcement special magistrate for processing.

The next meeting of the Tree Commission is November 7. I can put his case file on that agenda or on the December 12 meeting agenda. Please note that you or your representative must attend the meeting in person or via Zoom. If you do not attend and have someone represent you then I have a form that needs to be filled out to allow them to speak on your behalf. Please let me know what works best for you.

May I enter your property to measure what remains of the stump? This measurement will be used as a guideline for the required replanting otherwise, I will have to estimate based on the photos I took.

Sincerely,

Karen

From: George Pallas <gpallas@beckhamsolis.com>
Sent: Tuesday, October 11, 2022 4:27 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: [EXTERNAL] RE: [EXTERNAL] 1008 White Street, avocado tree

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.

I wasn't there during the hurricane or when they cut it. I'll see if any of the tenants have any other photos. When I bought the property, the tree was almost growing into the structure. I trimmed it back but a large portion of it fell on the house with Ian..

Like I said, I liked the tree and the fruit but it became a danger to the tenant's safety. I wasn't aware that it was a protected species. Can I apply for an after the fact permit? I intend to plant another tree in its place.

George T. Pallas

Attorney & Counselor at Law
GEORGE T. PALLAS, P.A.
2420 Coral Way
Miami, FL 33145
[305.856.8580](tel:305.856.8580) tel
[305.860.4828](tel:305.860.4828) fax
george@pallaslaw.com



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From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>

Sent: Tuesday, October 11, 2022 4:08 PM

To: George Pallas <gallas@beckhamsolis.com>

Subject: RE: [EXTERNAL] 1008 White Street, avocado tree

Thank you for the photo. Unfortunately, all it shows is that the tree had a growth lean but I do not see any signs of storm damage. Do you have any photos showing storm damage?

Please note that a permit was required to remove the tree. Avocado trees are a protected tree species.

Sincerely,

Karen

Karen DeMaria

Urban Forestry Manager
Certified Arborist FL-6585A
City of Key West
305-809-3768



From: George Pallas <gpallas@beckhamsolis.com>
Sent: Tuesday, October 11, 2022 1:50 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: [EXTERNAL] 1008 White Street, avocado tree

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George T. Pallas

Attorney & Counselor at Law

GEORGE T. PALLAS, P.A.

2420 Coral Way

Miami, FL 33145

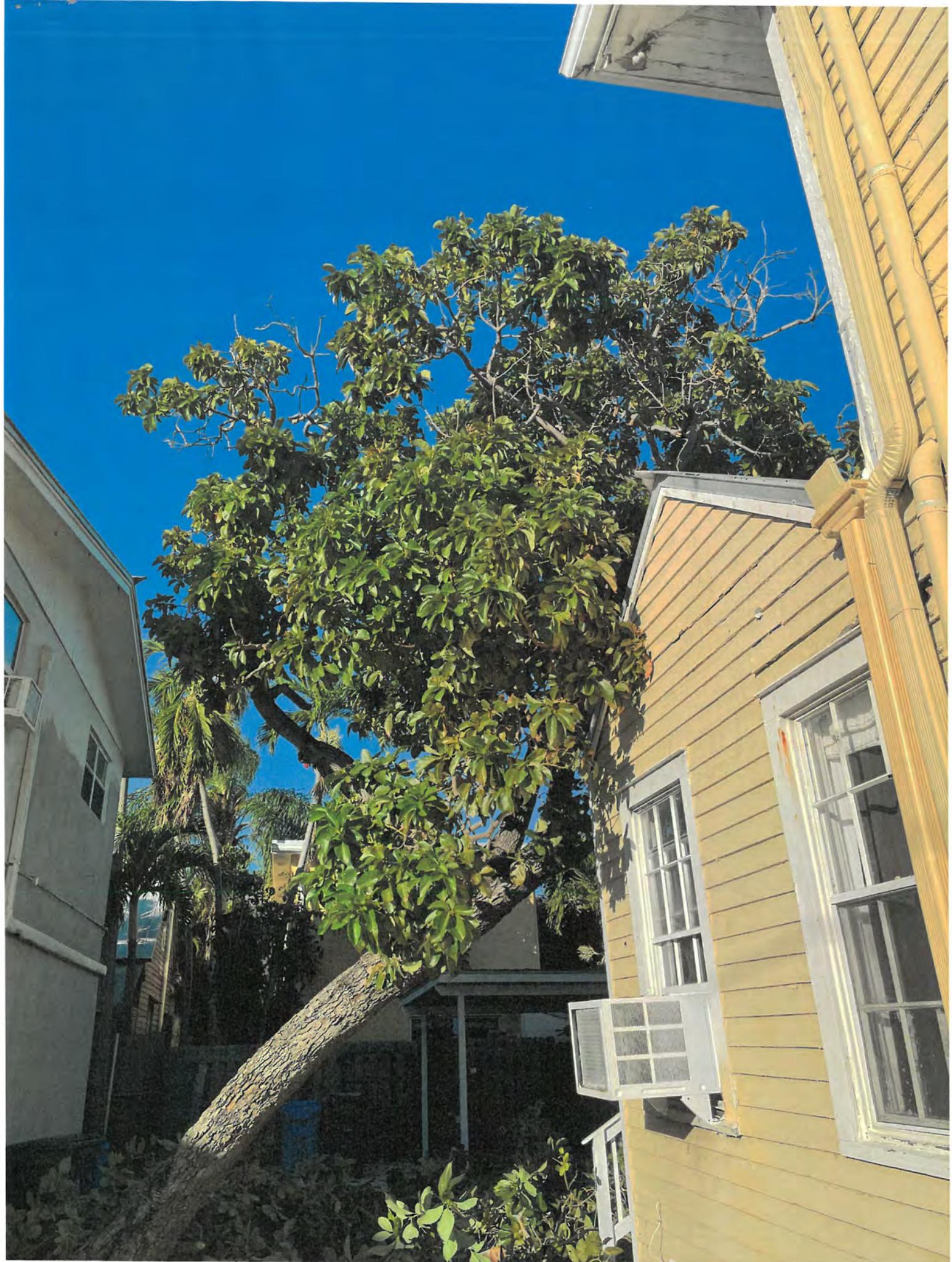
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Disclaimer

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

Summary

| | |
|--------------------|---|
| Parcel ID | 00032420-000000 |
| Account# | 1033171 |
| Property ID | 1033171 |
| Millage Group | 10KW |
| Location Address | 1008 WHITE ST, KEY WEST |
| Legal Description | KW GWYNN SUB 0-195 LT 5 SQR 1 TR 13 OR313-573 OR655-139 OR712-96 OR856-392 OR1420-637 OR2560-1163 OR3100-0207 (Note: Not to be used on legal documents.) |
| Neighborhood | 32080 |
| Property Class | STORE COMBO (1200) |
| Subdivision | |
| Sec/Twp/Rng | 05/68/25 |
| Affordable Housing | No |

**Owner**

| | |
|-----------------------|-----------------------|
| PALLAS GEORGE T | PALLAS LEONOR E |
| 2420 Coral Way | 2420 Coral Way |
| Coral Gables FL 33145 | Coral Gables FL 33145 |

Valuation

| | 2022 Certified Values | 2021 Certified Values | 2020 Certified Values | 2019 Certified Values |
|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| + Market Improvement Value | \$209,285 | \$303,750 | \$263,795 | \$263,795 |
| + Market Misc Value | \$1,947 | \$33,750 | \$1,947 | \$1,947 |
| + Market Land Value | \$679,728 | \$337,500 | \$625,349 | \$788,484 |
| = Just Market Value | \$890,960 | \$675,000 | \$891,091 | \$1,054,226 |
| = Total Assessed Value | \$890,960 | \$675,000 | \$806,852 | \$733,502 |
| - School Exempt Value | \$0 | \$0 | \$0 | \$0 |
| = School Taxable Value | \$890,960 | \$675,000 | \$891,091 | \$1,054,226 |

Land

| Land Use (1200) | Number of Units | Unit Type Square Foot | Frontage 51 | Depth 111 |
|--------------------|-----------------|--------------------------|----------------|--------------|
| | 5,606.00 | | | |

Buildings

| | | | |
|----------------|-------------------------|----------------------|--------------------|
| Building ID | 40038 | Exterior Walls | AB AVE WOOD SIDING |
| Style | 2 STORY ELEV FOUNDATION | Year Built | 1943 |
| Building Type | APTS-D / 03D | Effective Year Built | 1994 |
| Gross Sq Ft | 2803 | Foundation | |
| Finished Sq Ft | 2527 | Roof Type | GABLE/HIP |
| Stories | 2 Floor | Roof Coverage | METAL |
| Condition | GOOD | Flooring Type | |
| Perimeter | 298 | Heating Type | |
| Functional Obs | 0 | Bedrooms | 0 |
| Economic Obs | 0 | Full Bathrooms | 0 |
| Depreciation % | 38 | Half Bathrooms | 0 |
| Interior Walls | with 0% DRYWALL | Grade | 350 |
| Code | Description | Number of Fire Pl | 0 |
| FLA | FLOOR LIV AREA | | |
| OPU | OP PR UNFIN LL | 2,527 | 0 |
| OUU | OP PR UNFIN UL | 0 | 0 |
| OPF | OP PRCH FIN LL | 0 | 0 |
| TOTAL | 2,803 | 2,527 | 0 |

Yard Items

| Description | Year Built | Roll Year | Quantity | Units | Grade |
|----------------|------------|-----------|----------|--------|-------|
| TILE PATIO | 1964 | 1965 | 1 | 25 SF | 5 |
| UTILITY BLDG | 1979 | 1980 | 1 | 288 SF | 1 |
| ASPHALT PAVING | 1979 | 1980 | 1 | 576 SF | 1 |

Sales

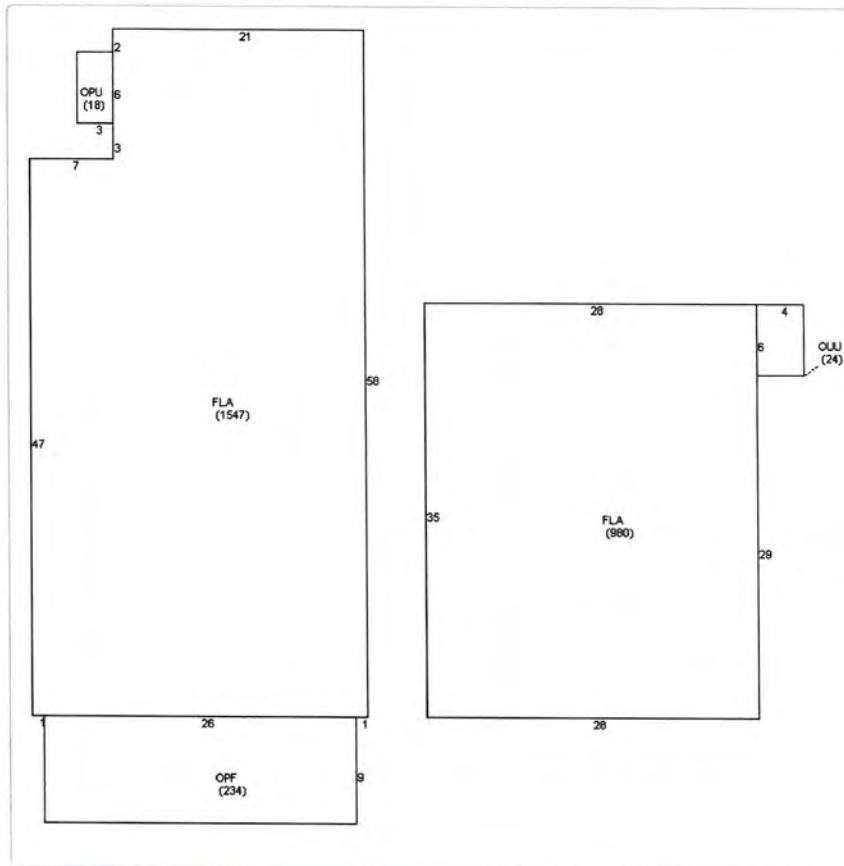
| Sale Date | Sale Price | Instrument | Instrument Number | Deed Book | Deed Page | Sale Qualification | Vacant or Improved |
|-----------|------------|---------------|-------------------|-----------|-----------|--------------------|--------------------|
| 5/17/2021 | \$750,000 | Warranty Deed | 2321470 | 3100 | 0207 | 01 - Qualified | Improved |
| 3/16/2012 | \$100 | Warranty Deed | | 2560 | 1163 | 11 - Unqualified | Improved |
| 6/1/1982 | \$50,000 | Warranty Deed | | 856 | 392 | Q - Qualified | Improved |

Permits

| Number | Date Issued | Date Completed | Amount | Permit Type | Notes |
|---------|-------------|----------------|---------|-------------|--|
| 15-4675 | 11/23/2015 | 2/16/2017 | \$1,800 | Commercial | REPLACE 120 SF SIDING |
| 13-0356 | 1/31/2013 | | \$500 | Commercial | 9.5 X 24' ACROSS FRONT OF BUILDING. INSTALLED WITH STAINLESS STEEL SCREW EVERY 2' TOP & BOTTOM (10 MM) PLASTIC W/DIGITAL PRINT. "PIEROGI POLISH MARKET DELI" |
| 08-0114 | 1/17/2008 | 1/31/2008 | \$2,450 | Commercial | REPLACE 6 SQS M/B RUBBER FLAT ROOF |
| 06-4917 | 9/7/2006 | 9/29/2006 | \$800 | Commercial | REPLACE WOOD SIDING 100SF |
| 06-3510 | 6/14/2006 | 9/29/2006 | \$900 | Commercial | PAINT ROOF OF PROPERTY |
| 04-1069 | 4/6/2004 | 11/18/2004 | \$1,950 | Commercial | PLUMBING |

[View Tax Info](#)[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Photos



Map

