

# STAFF REPORT

DATE: June 4, 2014

**RE: 1606 Laird St (Administrative Hearing)**

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

In December, 2013, Ken King called and complained that a utility crew had cut one of the trees in the backyard of property he owns at 1606 Laird St. On December 26, 2013, photos were taken. A healthy, multi trunked, Spanish stopper tree, approximately 20 ft tall, had been improperly cut.





On or around April 18, an ATT person came back to 1606 Laird St and again cut the tree. Ken King, the property owner, told the man that he did not have the right to cut the tree. The ATT person gave Ken a business card with the name Joshua Agresto on it (305-393-6365 cell).

On April 21, 2014, a site visit confirmed that additional cutting had taken place.





Several phone calls and e-mail correspondence were conducted with various ATT personnel, including Joshua, explaining the issue and the City of Key West tree trimming regulations. The cutting on the tree was done improperly (tree abuse), the natural shape of the tree has been impacted, and more than 30% of the tree has been removed therefore, a permit would have been required.

Utility lines run behind the properties in this area. If the tree needed to be trimmed for access to the work area, it could have been done in a proper manner. The method of cutting has misshaped the tree. The second round of cuts on the tree in April resulted in more than 30% of the tree being removed.

Tree Species: Spanish Stopper (*Eugenia foetida*)

Diameter: the diameter at the base of the tree prior to the three trunks separating out is 4.5". Each trunk has a diameter of 2.7 to 2.9" each.

Location: the tree is growing between a small building and the property line. Utility lines run behind the property line.

Species: on protected tree list

Condition: very good

# **Administrative Hearing Notice**



**THE CITY OF KEY WEST  
Tree Commission**

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

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

May 29, 2014

Tree Commission  
City of Key West  
Petitioner,

Vs.

AT&T Florida  
Attention: Joshua Agresto  
650 United Street  
Key West, FL 33040  
Respondant

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, June 10, 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 April 21, 2014 at 1606 Laird Street.

Alleged code violation:

**Section 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:*
  - (3) *Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.*
  - (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;  
Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

**Factual allegation: One (1) Spanish Stopper tree has been improperly trimmed**



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 hand delivered to the Respondent, and has been sent certified U.S. Mail to the above named Respondent's listed address on this **29<sup>th</sup> day of May 2014.**

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

Karen DeMaria  
Urban Forestry Manager  
[kkdemaria@keywestcity.com](mailto:kkdemaria@keywestcity.com)

cc: Kenneth King, 1602 Laird Street, Key West, FL 33040 (Property owner)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name) <i>David Mahoney</i>	C. Date of Delivery <i>5/29/14</i>
<p align="center"><b>AT&amp;T Florida</b>  <b>Attention Joshua Agresto</b>  <b>650 United Street</b>  <b>Key West, FL 33040</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
2. Article Number (Transfer from serial number)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7007 3020 0000 5347 9447	
PS Form 3811, February 2004		Domestic Return Receipt	
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**RECEIVED**  
 Postmark Here  
**MAY 28 2014**

Sent To  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

**AT&T Florida**  
**Attention Joshua Agresto**  
**650 United Street**  
**Key West, FL 33040**

PS Form 3800, 7/10

7007 3020 0000 5347 9447



Karen DeMaria &lt;kdemaria@keywestcity.com&gt;

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## 1610 Laird St unauthorized tree trimming

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Karen DeMaria &lt;kdemaria@keywestcity.com&gt;

Mon, Apr 28, 2014 at 4:33 PM

To: JA1291@att.com

Cc: "GARCIA, SERGIO J." &lt;sg2283@att.com&gt;

The spanish stopper that was improperly trimmed is in photo 006. Picture 026 shows a better view of the location. In front you will see a gumbo limbo tree then a wooden fence. The stopper was behind the fence. The utility lines run in the rear of the properties at this location.

The issue is that the tree was improperly trimmed which is called Tree Abuse by our code. If the issue was tree limbs in the transformer/equipment, the canopy of the tree could have been properly trimmed without removing large section of the trunks. If the issue was access using a ladder to get to the equipment, alternative methods could have been done without hacking the tree. Spanish stoppers are native sub-canopy trees that are on our protected tree list. The person complaining is a certified arborist who has vast knowledge of our code.

The City does have an open permit system with Keys Energy regarding the trimming and removal of trees that they deem to be in the way of the utilities or a potential safety/hazard issue. I am not aware of one with ATT or Comcast. Even if there is one, the trimming is required to be done properly, this was not.

Sincerely,

Karen

—

**Karen DeMaria**  
Urban Forestry Manager  
Certified Arborist  
City of Key West  
[305-809-3768](tel:305-809-3768)

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### 2 attachments



006.JPG  
4572K



026.JPG  
5049K



**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: 1061522 Parcel ID: 00061100-000000**

### Ownership Details

**Mailing Address:**

KING KENNETH R AND LINDA J  
1602 LAIRD ST  
KEY WEST, FL 33040-5312

### Property Details

**PC Code:** 08 - MULTI FAMILY LESS THAN 10UNITS

**Millage Group:** 10KW

**Affordable Housing:** No

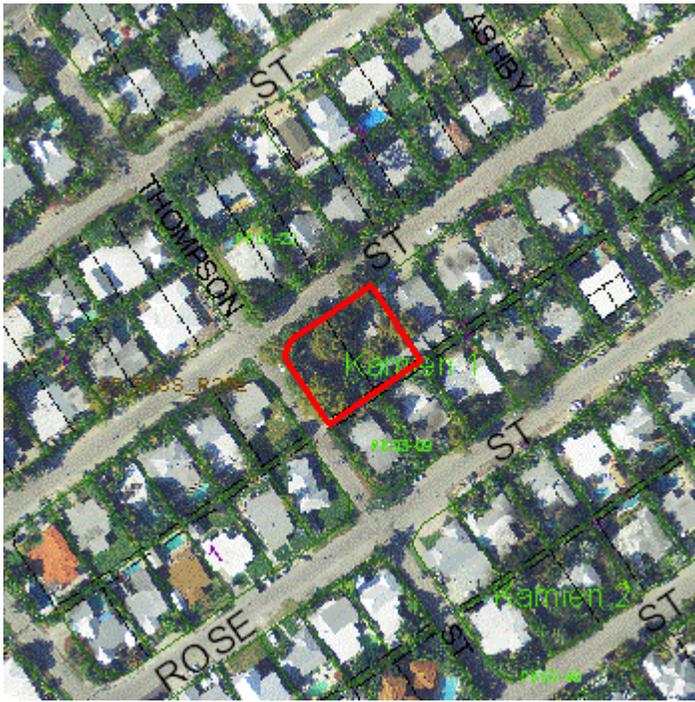
**Section-Township-Range:** 05-68-25

**Property Location:** 1602 LAIRD ST KEY WEST  
1606 LAIRD ST KEY WEST

**Subdivision:** Kamien Plat No 1

**Legal Description:** BK 2 LOTS 1 AND 2 KW KAMIEN PLAT NO 1 PB3-9 G68-293 G69-555/56 OR405-138/39 OR539-291  
OR545-814D/C OR821-2365 OR900-1318 OR1026-548 OR1685-1163

**Click Map Image to open interactive viewer**



### Exemptions

Exemption	Amount
44 - ADDL HOMESTEAD	25,000.00
39 - 25000 HOMESTEAD	25,000.00

### Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	124	100	12,400.00 SF