



**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**

August 24, 2017

Tree Commission
City of Key West
Petitioner,

Vs.

Peary Court Apartments LLC
3850 Hollywood Blvd STE 400
Hollywood, FL 33021

ICAMCO
3438 Duck Avenue
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, September 12, 2017**, 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: prior to July 28, 2017 at 111C Peary Court

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:
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
 - (4) Cutting upon a tree which destroys its natural shape.

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

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

Factual allegation: One (1) protected Gumbo Limbo tree has had its canopy removed. A permit is to remove or heavily trim protected trees.



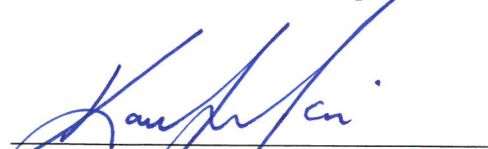


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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, e-mail, and certified U.S. Mail to the above named Respondent's listed address on this **24th day of August 2017**.

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:

Peary Court Apartments LLC
3850 Hollywood Blvd
Suite 400
Hollywood FL 33021

2. Article Number
(Transfer from service label)

7007 3020 0000 5343 9144

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Leslie Loewig☒ Agent☐ Addressee

B. Received by (Printed Name)

Leslie Loewig

C. Date of Delivery

*8/25/17*D. Is delivery address different from item 1? ☐ YesIf 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**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

ICAMCO
3438 Duck Avenue
Key West FL 33040

2. Article Number

(Transfer from service label)

7007 3020 0000 5343 9151

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Laura Miller☒ Agent☐ Addressee

B. Received by (Printed Name)

Laura Miller

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf 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

Karen DeMaria

From: Daniel J Garcia <daniel@icamco.com>
Sent: Friday, August 25, 2017 3:45 PM
To: Karen DeMaria; Francheska Garcia
Subject: Re: 111 C Peary Court Administrative Hearing notice

Hello Karen,

The owners of Peary Court have retained Cynthia from Blue Palms to handle all tree trimming matters moving forward. The representation authorization form was sent to them today to finalize and sign. Cynthia will be the one representing Peary Court at the hearing.

Cynthia is overseeing the trimming you would like to see corrected and the corrections will be made prior to the September hearing date.

Thank you,

Daniel J. Garcia
ICAMCO INC
3438 Duck Ave.
Key West, FL 33040
Phone: 305.396.3045

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Thursday, August 24, 2017 2:34 PM
To: Daniel J Garcia; Francheska Garcia
Subject: 111 C Peary Court Administrative Hearing notice

Attached is a copy of the Administrative Hearing notice for the Tree Commission meeting September 12, 2017 regarding the gumbo limbo tree that was improperly cut/removed at 111C. Please let me know that you received this e-mail and who will represent the property at the meeting.

Also, as we discussed at our meeting on site on July 31, 2017, I am holding off on issuing a notice regarding the improper trimming of the canopy trees throughout the property area off of Palm Avenue so that you can hire a certified arborist to come in and repair the improper trimming work. Can you please up date me, in writing, as to the plans for fixing the improper trimming work?

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager/Tree Commission
Certified Arborist

