

# **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**

August 21, 2014

Tree Commission  
City of Key West  
Petitioner,

Vs.

South Wind Pools  
505 Southard Street  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, September 9, 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 July 3, 2014 at 415 Bahama Street**

Alleged code violation:

***Sec. 108-447 Protection of Plant Material***

(b) During the construction stage of development, the developer shall not cause or allow the cleaning or storage of equipment or material, within the dripline of any tree or groups of trees to be maintained. The developer shall provide and maintain protective barriers, in a form to be approved by the landscape coordinator, around all landscaping existing on site prior to construction. The developer shall not cause or allow the disposal of waste material such as paint, oil, solvents, asphalt, concrete, mortar or any other material harmful to the life of a tree within the dripline of any tree or groups of trees.

1. Trees to be protected shall be centered within protective barrier
2. Protective barrier shall be enlarged when necessary to enclose all exposed roots.

***Sec. 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:

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

(1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.

(2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

(c) *Additional prohibitions.*

(1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.

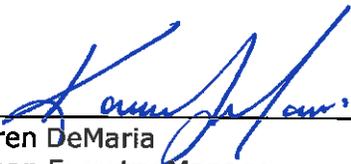
**Factual allegation: The roots of one (1) large diameter Mahogany tree had been damaged due to machinery driving over the exposed surface roots during construction of a pool. No protection measures had been installed.**

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 e-mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **22nd day of August 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 (Property Owner): Bahama 415 LLC  
2919 26<sup>th</sup> St W.  
Bradenton, FL 34205-3737

**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:

**South Wind Pools  
505 Southard Street  
Key West, FL 33040**

2. Article Number  
(Transfer from service label)

7007 3020 0000 5347 9966

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
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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 <kdemaria@keywestcity.com>

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## Tree Roots - 415 Bahama Street

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Evelyn Treworgy <builder@coastalsw.com>

Thu, Jul 3, 2014 at 2:47 PM

To: "kdemaria@keywestcity.com" <kdemaria@keywestcity.com>

Karen,

RE: Mahogany Tree Roots

The scraping of the tops of these roots apparently was created by the machinery used by the Pool Contractor (SouthWind Pools) –ie: running them over

A 10' wide area was created for ingress/egress for the pool contractor by moving the existing shed back and removing the existing gate. The tree roots were clear of the path required to enter/exit or work on the pool. There was not a need for driving machinery in such a close proximity to the tree.

As a precautionary measure and for the health of the tree, we have contacted an Arborist through our landscaper (Jason Lloyd/Indigenous Landscaping) to access the situation.

In the interim my staff has cleared the area, mulched the base of the tree/roots and will keep the area moist and blocked off until we receive direction from the Arborist.

The additions planned to the property were done so with the health of the trees in mind. We view them as a huge asset to the property.

We will send the information and report from the Arborist as soon as available.

**ET**

Evelyn Treworgy

Coastal Construction SW, Inc. | 6220 Manatee Avenue West | Suite 103 | Bradenton | FL | 34209  
Phone: 941.761.7228 | Cellular 941.737.4152 | Fax: 941.761.7499 | email: builder@coastalsw.com



**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: 1006611 Parcel ID: 00006390-000000**

**Ownership Details**

**Mailing Address:**  
BAHAMA 415 LLC  
2919 26TH ST W  
BRADENTON, FL 34205-3737

**Property Details**

**PC Code:** 39 - HOTELS,MOTELS  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 415 BAHAMA ST KEY WEST  
**Legal Description:** KW PT LTS 1 AND 2 SQR 37 OR77-356/57 OR837-994 OR882-1332 OR882-1331 OR1576-1456R/S OR1581-460/61C OR2160-2096/97 OR2200-2460/61 OR2535-795/96 OR2656-208/09 OR2656-210/12

**Click Map Image to open interactive viewer**