

# **Administrative Hearing Notice**



**THE CITY OF KEY WEST**  
TREE COMMISSION  
P.O. BOX 1409  
KEY WEST, FL 33041-1409

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

December 6, 2013

City of Key West  
Petitioner,

Vs.

Frederick J. and Amelia A. Cobb  
1600 Palmyra Avenue  
Richmond, VA 23227-4424

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, January 14, 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: November 18, 2013 at 1210 Von Phister Street.

Alleged code violation:

*Sec 110-256, Tree Abuse:*

*(b) Prohibited acts. A tree shall be considered abused if one or more of the following actions has taken place:*

- (3) Cutting upon any tree which permanently reduces the function of the tree or causes it to go into shock.*
- (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 chief building official has been obtained, no person, whether on publicly or privately owned land, shall willfully cause harm or major maintenance to or hatracking or removal of the following:*

- (1) Any tree listed as "specially protected" in section 110-253;*
- (3) Any dicot tree which is 3 ½ inches or more in diameter at breast height.*

**Factual allegation: One large diameter Frangipani (Plumeria sp.) has been severely trimmed removing all of the canopy with only a tall trunk/stump remaining and two Slash Pine trees (Pinus elliottii var. densa) and two Silver Buttonwood trees (Conocarpus erectus), have been removed from your property at 1210 Von Phister Street without a permit.**

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 sent by certified U.S. Mail to the above named Respondent's listed address on this 6 day of December 2013.

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



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

# **Staff Report**

## MEMORANDUM

DATE: November 20, 2013

RE: 1210 Von Phister-Unauthorized Removal of Trees

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

On November 18, 2013 a complaint was received regarding the removal of trees, including pine trees at 1210 Von Phister Street. Looking through the Tree Commission database, I noticed that no permits had been issued for any tree removals at that address. A site inspection documented a pile of vegetative debris at the end of the driveway and several cans full of yard waste. The debris included palm fronds, frangipani, silver buttonwood, and scub pine. As I was walking to the front door, I saw two stumps inside and along the front fence and a large, tall stump along the driveway. I spoke to the lady staying at the house (a guest), gave her my business card, and asked her to have the owner call me.

On November 20, 2013, I spoke to the owner of the property on the phone, Mr. Freddy Cobb, and explained the issue to him. We exchanged e-mails and we agreed to meet on the property before the January Tree Commission meeting.

Trees Issues (documented at time of initial inspection):

1. Tree Abuse: (1) Frangipani-entire top of tree removed, only tall stump next to driveway remains. 14" dbh
2. Trees Removed Without a Permit
  - A. (2) Scrub Pine Trees-measured base of stump and some pieces of the trunk in the debris pile, each tree approximately 4.5" diameter (Total of 9")
  - B. (2) Silver Buttonwood trees-were growing outside of the fence along the ROW. Found pieces of the stump in debris pile and looked at the remains of the roots in the ground. It appears that the base of the trunk was approximately 10" in diameter. Two thick branches/trunks found in the debris pile measured 5" and 6" in diameter each.

On December 27, 2013, I met with Freddy Cobb and walked the property. I found two more stumps, both were less than 3.5" dbh. In my initial notes I noted that I had also found some lead tree branches in the pile, therefore, without any additional information, no additional charges were added. I explained to Mr. Cobb the administrative hearing procedures. He explained that he had hired a landscape/gardener to clean up the landscape and that he would do what was need to resolve the problem.



Google Earth Streetview photo dated March 2011



Street Photo taken by K. DeMaria dated November 2013



Google Streetview photo dated March 2011



Streetview photo taken by K. DeMaria dated November 2011



Google Streetview photo dated March 2011



Photo of vegetative debris pile taken November 2013.



Photos of vegetative debris pile November 2013





Frangipani

Photo of frangipani tree location taken November 2013.



Photo of scrub pine stumps taken November 2013



Karen DeMaria <kdemaria@keywestcity.com>

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## 1210 Von Phister tree removal

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Karen DeMaria <kdemaria@keywestcity.com>  
To: fcobb@cobbtechnologies.com

Tue, Nov 26, 2013 at 3:14 PM

Mr. Cobb:

It was a pleasure speaking with you the other day. I have attached a couple of photos showing what your yard looks like as of today. From what I can tell, the following trees were removed from the property and their removal required permits from the City of Key West Tree Commission; 1-Frangipani, 2-Scrub Pine trees, and at least 2 silver buttonwood trees. I would like to walk the property with you to properly identify what has been removed. Please contact me when you are in Key West so we can make an appointment.

Also, please give me the contact information of the company that cut the trees down and cleaned your yard. I would like to make sure they are properly informed of the rules and regulations in the City of Key West regarding trees and to make sure they have the proper licenses.

Sincerely,

Karen DeMaria  
Urban Forestry Manager  
[305-809-3768](tel:305-809-3768)

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### 2 attachments



nov 26 006.jpg  
5765K



nov 26 008.jpg  
4244K



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

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**1210 Von Phister tree removal**

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**Freddy Cobb** <FCobb@cobbtechnologies.com>  
To: Karen DeMaria <kdemaria@keywestcity.com>

Tue, Nov 26, 2013 at 8:55 PM

Thanks Karen- it was nice chatting with you as well. All I have for my yard guy is his phone number and I have texted him your contact info. I told him that you were very pleasant and he seemed to want to understand the right way to go about this. I apologize for our goofing up and I take full responsibility. Richard did what I asked him to do (although he was a little aggressive on the Frangi Pangi but he said it will come back with a venom.) Anyhow he seems like a very nice guy and as I told you on the phone he was the only one of 3 to show up. I will do whatever I need to remedy this situation and will let you know when I am back. However if we need to have an emergency meeting let me know and I will gladly leave the lovely weather we are having in Va and head there ASAP. I just need to have an excuse for my wife. Have a great Thanksgiving and let me know if you don't hear from Richard soon. Thanks.

**Freddy Cobb**

(0) 804.515.5700 (c) 804.221.4499  
fcobb@cobbtechnologies.com  
www.cobbtechnologies.com



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**From:** Karen DeMaria [kdemaria@keywestcity.com]  
**Sent:** Tuesday, November 26, 2013 3:31 PM  
**To:** Freddy Cobb  
**Subject:** Fwd: 1210 Von Phister tree removal

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Karen DeMaria <kdemaria@keywestcity.com>

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## 1210 Von Phister tree removal

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Karen DeMaria <kdemaria@keywestcity.com>

Wed, Nov 27, 2013 at 11:09 AM

To: Freddy Cobb <FCobb@cobbtechnologies.com>

We do not need to schedule an emergency meeting, we just need to communicate.

I do need to do a report with documentation and measurements regarding the trees that were removed. When will you be in town?

Once I have a report, I can schedule an administrative hearing in front of the Tree Commission to resolve the issue in a final manner. Administrative hearings are held at the end of our regularly scheduled Tree Commission meetings. I would like this to be heard at the January 14, 2014 Tree Commission or the February 11, 2014 meeting.

At the hearing, a settlement will be discussed with the Tree Commissioners to include replacements and/or a fine. The removal of the pine trees and the silver buttonwood is one issue, the trimming/cutting of the Frangipani is considered tree abuse as that is not a proper way to trim trees and is another issue.

I look forward to hearing from you to schedule a meeting on the property.

Sincerely,

Karen DeMaria  
Urban Forestry Manager  
305-809-3768

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