STAFF REPORT

DATE: January 6, 2023

RE: **Administrative Hearing for 1009 Southard/10 Lowes Lane (TC2022-0013)**

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

On November 10, 2022, I received an email from the property owner at 1009 Southard Street, Melissa Jean McDaniel and Neal Ruchman, stating their neighbor had "illegally butchered" their pigeon plum tree. On November 15, 2022, a site visit was conducted:

Photo showing location of tree in relation to property line with 10 Lowes lane, view 1.

Photo showing location of tree in relation to property line with 10 Lowes lane, view 2.

Photo of tree showing half of tree canopy removed.

Photo of canopy showing cuts.

Photo of canopy cut.

Photo of canopy cut.

Photo of canopy cut.

Photo of canopy cut.

Discussion with the property owner of 10 Lowes Lane, Darek Lyzwinski, indicates that he did cut the tree. He claimed there was a broken branch/branches that had fallen over toward his property and he was just trying to fix the problem. When asked if he had any photos of the broken branches or the tree at that time he said no. It was also pointed out that he cut the tree well inside his neighbors property line.

Issues: The tree was improperly trimmed (stub cuts and flat cuts) and almost half the canopy was removed which would have triggered the need for a permit.

ADDITIONAL

INFORMATION

Karen DeMaria

From: Melissa McDaniel <melissajeankw@me.com>
Sent: Friday, January 6, 2023 12:01 PM
To: Karen DeMaria; Neal Ruchman
Subject: [EXTERNAL] 10 lowes lane

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>
>
> Dear Key West City Tree Commission,
>
> We are writing to bring to your attention to a matter concerning our property located at 1009 Southard Street. Recently we were surprised to find that the owner of 10 Lowes Lane had cut down a healthy tree on our property without our permission. While we were on vacation.
>
> He claims that it had fallen during the hurricane, however it appears he cut the tree. When I said so he said he cut it back past where the damage. No photos of the hurricane damage have been produced by to support that claim. He offered to replace our tree with a new small plants- a task impossible due to the fact that our tree had been growing for many years. He cut with such disregard for proper pruning that it will take many years for the tree to recover. We would like 5 years of managed care and proper pruning by our arborist Ken King to help the tree regrow into a natural shape.
>
> Equally as concerning to us is the recent news that the neighbor of 10 Lowes Lane (Daryk Lywszinski), has clear cut his entire yard without taking into consideration the importance of preserving tree growth in the Key West area.
>
> We appreciate your attention to this matter and would greatly value any assistance you might be able to offer. We are past fortunate to have the beauty of our community and would not like to see it threatened by carelessness towards our trees.
>
> Sincerely,
>
> Neal Ruchman and Melissa Jean McDaniel Owners of 1009 Southard Street
>
> Sent from my iPhone

Karen DeMaria

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Wednesday, November 30, 2022 12:26 PM
To: Karen DeMaria
Cc: Zoe Porter
Subject: [EXTERNAL] Re: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

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Sorry. I'm representing the property owner of 10 Lowe Lane.

Get Outlook for iOS

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Wednesday, November 30, 2022 12:25:38 PM
To: Richard McChesney <richard@spottswoodlaw.com>
Cc: Zoe Porter <zoe.porter@cityofkeywest-fl.gov>
Subject: RE: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

Richard,

Who are you representing?

Sincerely,

Karen

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Wednesday, November 30, 2022 12:03 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Zoe Porter <zoe.porter@cityofkeywest-fl.gov>
Subject: [EXTERNAL] FW: [EXTERNAL] 10 Lowes Lane project

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Good Afternoon Karen,

I was wondering if you might have some time to do a site visit out at the property. Let me know what works for you!

Thank you,

Richard J. McChesney, Esq.
Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax

Karen DeMaria

From: melissajeankw@me.com
Sent: Thursday, November 10, 2022 7:40 AM
To: Karen DeMaria
Subject: [EXTERNAL] 1009 Southard Street/ 10 Lowes Lane

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.

Dear Ms DeMaria,
I recently returned from vacation to find that the new owner of 10 Lowes Lane illegally butchered my big old Pigeon Plum. He told me the top fell into his yard during Ian and he just cut it back past were it was damaged. I asked for a photo which he could not produce. He also clear cut his entire back yard and the property line we share. I had left foliage between our properties on the Lowes Lane side rather than bring my new fence all the way to the corner of our property. Granted is was A large Darcena margenata and a large corn plant so not special plants but pretty just the same. The corn plant he cut to the ground and the dracaena he cut he cut down the middle/property line.
Derrick/owner/houseflipper at 10 Lowes Lane now has a variance request hearing for this property.(RE# 00007530-000000) A request for a variance to the minimum required frontside, and rear setbacks, and the minimum required open space. I am including photos of the Pigon plum and requesting that you come see what has been done in person.
I just received the notice of variance request yesterday and since tomorrow is a holiday am hoping you will find time today.
I am disgusted by that fact that the man has cut away 7/8ths of my pigeon plum and now wants to plant a house in it's place.
You can reach me @ 305-923-1616.
Sincerely,
Melissa Jean McDaniel and Neal Ruchman
1009 Soutard Street
#
(305)923-1616

Untitled Map
Write a description for your map.
Legend
10 Lowes
Tree
1009 Southard St
Google Earth
90 ft
N

qPublic.net™ Monroe County, FL

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

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

Summary

Parcel ID	00007580-000000
Account#	1007854
Property ID	1007854
Millage Group	10KW
Location Address	1009 SOUTHARD St 1 2 AND 3, KEY WEST
Legal Description	KW PT LOT 4 SQR 45 C2-16 OR748-36 OR871-1083 OR909-1706 OR1578-2404 OR2340-1985 OR2340-1988 OR2340-1992 OR2759-2007 OR3146-0236 OR3146-0243 (Note: Not to be used on legal documents.)
Neighborhood	6108
Property Class	MULTI-FAMILY TRIPLEX (0803)
Subdivision	
Sec/Twp/Rng	06/68/25
Affordable Housing	No

Owner

RUCHMAN NEAL
1001 Southard St
Key West FL 33040

Valuation

		2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+	Market Improvement Value	$1,215,716	$1,064,560	$623,633	$637,491
+	Market Misc Value	$28,851	$28,854	$28,857	$28,860
+	Market Land Value	$1,196,104	$884,666	$1,298,875	$1,298,875
=	Just Market Value	**$2,440,671**	**$1,978,080**	**$1,951,365**	**$1,965,226**
=	Total Assessed Value	**$2,440,671**	**$1,978,080**	**$1,951,365**	**$1,868,390**
-	School Exempt Value	$0	$0	$0	$0
=	School Taxable Value	**$2,440,671**	**$1,978,080**	**$1,951,365**	**$1,965,226**

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI-FAMILY SUPERIOR (08SD)	6,944.00	Square Foot	0	0

Buildings

Building ID	521
Style	2 STORY ELEV FOUNDATION
Building Type	M.F. - R2 / R2
Gross Sq Ft	4650
Finished Sq Ft	2328
Stories	3 Floor
Condition	AVERAGE
Perimeter	290
Functional Obs	0
Economic Obs	0
Depreciation %	12
Interior Walls	WALL BD/WD WAL

Exterior Walls	ABOVE AVERAGE WOOD
Year Built	1933
EffectiveYearBuilt	2011
Foundation	WD CONC PADS
Roof Type	GABLE/HIP
Roof Coverage	METAL
Flooring Type	SFT/HD WD
Heating Type	FCD/AIR DUCTED
Bedrooms	5
Full Bathrooms	3
Half Bathrooms	0
Grade	650
Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	288	0	0
FHS	FINISH HALF ST	864	0	0
FLA	FLOOR LIV AREA	2,328	2,328	0
OPU	OP PR UNFIN LL	1,068	0	0
OUU	OP PR UNFIN UL	84	0	0
OPF	OP PRCH FIN LL	18	0	0
TOTAL		**4,650**	**2,328**	**0**

Building ID	522
Style	1 STORY ELEV FOUNDATION
Building Type	S.F.R. - R1 / R1
Gross Sq Ft	676
Finished Sq Ft	442
Stories	1 Floor
Condition	GOOD
Perimeter	104
Functional Obs	0
Economic Obs	0
Depreciation %	10
Interior Walls	DRYWALL

Exterior Walls	ABOVE AVERAGE WOOD
Year Built	1933
EffectiveYearBuilt	2012
Foundation	WD CONC PADS
Roof Type	GABLE/HIP
Roof Coverage	METAL
Flooring Type	SFT/HD WD
Heating Type	NONE with 0% NONE
Bedrooms	1
Full Bathrooms	1
Half Bathrooms	0
Grade	500
Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	442	442	120
OPF	OP PRCH FIN LL	65	0	36
SBF	UTIL FIN BLK	169	0	52
TOTAL		**676**	**442**	**208**

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Overview

Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- Condo Building
- Key Names
- Subdivisions
- Parcels

Parcel ID	00007530-000000	**Alternate ID**	1007803	**Owner Address**	LYZWINSKI DAREK 10 Lowes Ln Key West, FL 33040
Sec/Twp/Rng	06/68/25	**Class**	SINGLE FAMILY RESID		
Property Address	10 LOWE Ln KEY WEST				
District	10KW				
Brief Tax Description	KW PT LOT 4 SQR 45 OR260-432/33 OR862-1909 OR1464-1346/47 OR1550-72/73 OR1828-2132/37 OR2201-48/53 OR2748-1831/32 OR3184-0369 (Note: Not to be used on legal documents)				

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