



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

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

April 28, 2023

Tree Commission
City of Key West
Petitioner,

Vs.

Frank Pla-Westerfeld Construction
Frank122162@yahoo.com

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, May 9, 2023**, 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 Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to April 24, 2023, at 1705 Rose Street, Key West, FL:

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;

Factual allegation: One (1) Silver Buttonwood, (1) Mango, and (1) Gumbo Limbo tree has been removed without benefit of a tree removal permit.

Photo of mango tree prior to reconstruction.



Photo of Gumbo Limbo tree prior to reconstruction.



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 via e-mail to the above named Respondent's listed address on this **28th day of April 2023**.

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

A handwritten signature in blue ink, appearing to read 'Karen DeMaria'.

Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

cc: Dawn Gonet (property owner-1705 Rose Street)
dawngonet@gmail.com

STAFF REPORT

DATE: May 3, 2023

RE: Administrative Hearing for 1705 Rose Street (TC2023-00001)

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

On April 24, 2023, correspondence with the contractor at 1705 Rose Street, Frank Plasterfeld Construction by Glick, regarding requirements to issued building permits, determined that a protected Gumbo Limbo tree had been removed from the property without benefit of a tree removal permit during reconstruction of the property. The property is being redeveloped under the Rebuild Florida Program.

A subsequent inspection of the property documented that a silver buttonwood tree (tree #2 on map) and a mango tree (tree #10 on map) were also missing. Information received from the property owner indicates that the mango tree died. A permit is not required to remove a dead tree.



Location of missing Gumbo limbo tree.

Location of missing Mango tree





Location of missing Silver Buttonwood tree. Tree was noted on existing tree map with building permits but no clear photo was taken. Based on memory, the tree was approximately 1-2 inches diameter.



Photo of mango tree prior to demolition and Hurricane Ian.



Photo of Gumbo Limbo tree
prior to demolition of house.

The Gumbo Limbo tree was not measured at the time of initial inspection for the demolition permit. Based on the photos and personal experience measuring trees, it appears that the Gumbo Limbo tree was approximately 8 inches in diameter.



1705 Rose St - Tree Map

2022/10/21

7p

Frank J Pla

Plan/NTS

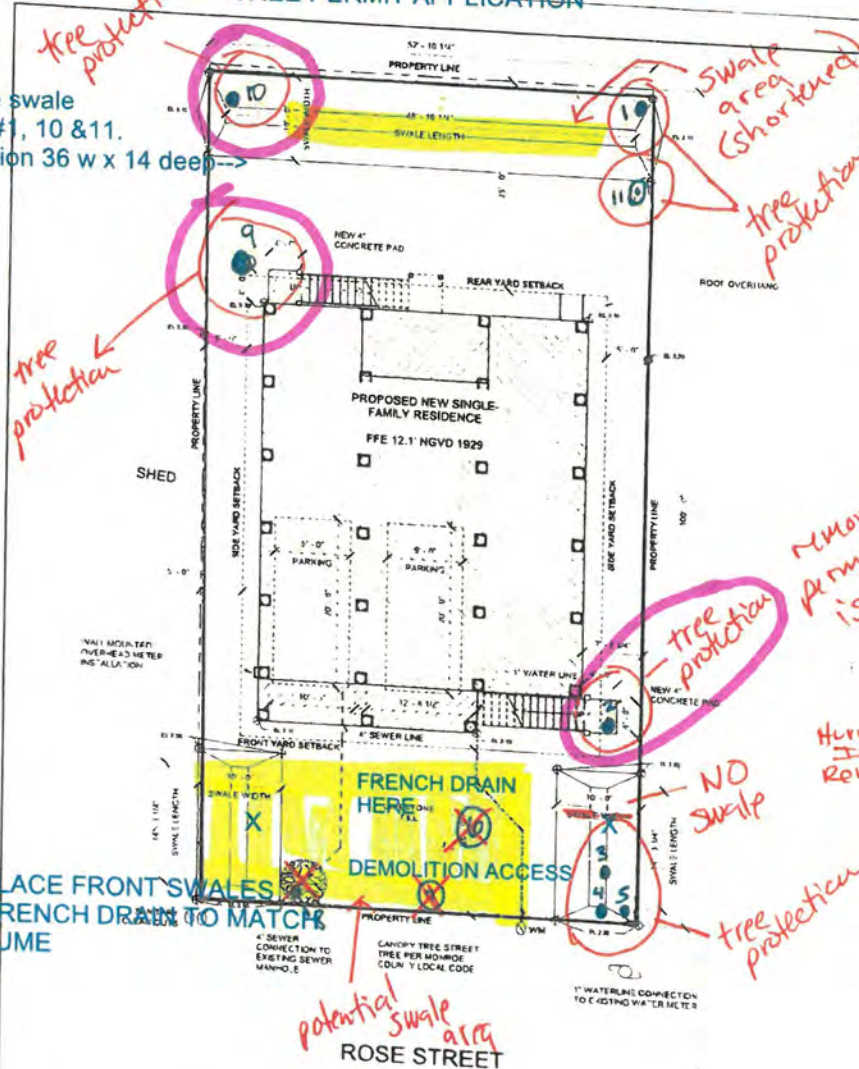
9/23/22 : KD

10/24/22 KD

tree locations are all approximated.

TREE PROTECTION & BARRIERS PER TREE PERMIT APPLICATION

Make / move swale
Avoid Trees #1, 10 & 11.
New Dimension 36 w x 14 deep



1 = Silver Buttonwood (Protected)

2 = Silver Buttonwood (Protected)

3 = Royal Poinciana (Protected)

4+5 = Silver Buttonwood (Protected)

~~6 = Triple Mangrove Palms (Regulated)~~

~~7 = Coconut Palm (Protected)~~

~~8 = Leafy Grape tree (Protected)~~

9 = Gumbo Limbo (Protected)

10 = Mango tree (Protected)

11 = Triple Fan Palm (Not Regulated)

Removal permits issued

Hurricane Ian Removal

4-28-23 KD Missing trees

REPLACE FRONT SWALES W/ FRENCH DRAIN TO MATCH VOLUME

potential swale area ROSE STREET

tree protections - orange mesh fencing placed a minimum of 5 feet out from base of trees. Secured with wood or rebar posts.

Additional Information

Karen DeMaria

From: Karen DeMaria
Sent: Wednesday, May 3, 2023 11:20 AM
To: Karen DeMaria
Subject: FW: [EXTERNAL] Re: 1705 Rose Street Administrative Hearing Notice

From: Dawn Gonet <dawngonet@gmail.com>
Sent: Monday, May 1, 2023 7:38 PM
To: frank122162 <frank122162@yahoo.com>
Cc: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Re: 1705 Rose Street Administrative Hearing Notice

Thank you Frank,
As long as Karen agrees, that would be wonderful. Silver buttonwoods are a fantastic tree :).

Again, I will be at the tree commission meeting on the 9th where I can let everyone know of your generous plans to replace the Gumbo and give us those extra, not required silvers. Thank you!!!

Dawn

On Mon, May 1, 2023 at 9:29 AM frank122162 <frank122162@yahoo.com> wrote:

Karen,

Trying to turn lemons into lemonade.

We are hoping to make abgood impact in replanting.

From a lanscape we are proposing 4 Silver Buttonwood of th size pictured.

We would like to plant as shown along the back property line.

The location will provide Florida Green Building Coalition Points for the required Project FGBC Certification.

Frank J Pla
Westerfeld Construction
216-214-4229 cell

Sent from my T-Mobile 5G Device



Karen DeMaria

From: Dawn Gonet <dawngonet@gmail.com>
Sent: Friday, April 28, 2023 6:43 PM
To: Karen DeMaria
Cc: Frank Pla
Subject: [EXTERNAL] Re: 1705 Rose Street Administrative Hearing Notice

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.

Hi Karen,

There were and are 2 silver buttonwoods in the front right corner of property. I believe. They were on the original sketch and I'm pretty sure they are both still there. I think one might be covered by an old clamshell awning. I wanted to hold on to a piece of the original house.....and there were only a few places I could put it so it wouldn't be demo'd. As I knew the buttonwood was protected, I layed the awning up against it. It should still be there.

As for the mango, not sure. It was pretty distressed prior to Ian, looked diseased or something, which was sad as it was planted to honor my husbands father on Father's Day a few years ago. After Ian, when we were at the home trying to take in our losses, I noticed it was pretty much destroyed. It looked completely dead, as a lot of the landscape in our neighborhood did.

I guess I should have taken a photo but there was so much going on I didn't think to. It looked white and brittle- it was basically a thin white trunk with a few dead limbs coming off of it.

It's possible that the demo crew didn't even see it or just thought it was supposed to go- there was really nothing left of it.

I know Frank is planning to replace gumbo and the other protected trees in the front that needed to come down prior to demo. I will be at the meeting on May 9.

Again, thank you so much.

Dawn

On Fri, Apr 28, 2023 at 4:22 PM Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Frank and Dawn:

Attached is the notice for the May 9, 2023, Tree Commission meeting. Please let me know that you have received this email with the notice. Based on my site inspection and the original tree map I found that a silver buttonwood and a mango area also missing from the property.

Sincerely,

Karen

Karen DeMaria

Urban Forestry Manager

Certified Arborist FL-6585A

City of Key West

305-809-3768



Karen DeMaria

From: Karen DeMaria
Sent: Thursday, April 27, 2023 8:44 AM
To: Karen DeMaria
Subject: FW: [EXTERNAL] Re: BLDG 2022 2740 - 1705 Rose

From: Dawn Gonet <dawngonet@gmail.com>
Sent: Tuesday, April 25, 2023 10:37 AM
To: Frank Pla <frank122162@yahoo.com>
Cc: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Re: BLDG 2022 2740 - 1705 Rose

Hello all,

Not sure if I'm supposed to be chiming in here....Anyhow, I've been reading the threads. When Frank called me to tell me about the tree, I went over to take a peek. The clean-up crew was still there and they were beside themselves over their error. So apologetic. It was so close to the house, they just assumed it wasn't supposed to be there. It was clearly an honest mistake - they apologized to me over and over.

The silver lining in all of this I think is that it would not have been able to continue to flourish....the new house, being so close, would have blocked necessary light and the tree would have had little to no room to expand its limbs going forward. I loved the tree, but I don't think it would have survived....so, a replacement gumbo limbo in the same area but further from the home will be wonderful. I know Frank was planning on doing that....his poor crew offered to purchase it!! I will 100% be at the Tree Commission meeting on May 9. Being the tree gal that I am, I will enjoy listening and learning about the process anyway.... Thank you for understanding Karen. See you at the meeting, if not sooner.

Dawn

On Tue, Apr 25, 2023 at 6:29 AM Frank Pla <frank122162@yahoo.com> wrote:

Karen,

Please confirm that we are on the Tree Commission May 9th Agenda.

Either the owners or I will be there.

In hind sight, we should have applied to remove the tree in the beginning as it was within 5 ft of building.

I will do better next time.

Frank J Pla
305-922-2165
216-214-4229 (cell)

On Monday, April 24, 2023 at 09:50:49 AM EDT, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Removal of a protected tree species without a permit is an enforcement case. I can not issue permits or give permission to remove protected trees, only the Tree Commission can approve it. Since it is now after the fact, it is an enforcement case in front of the Tree Commission. I can try to get you on the May 9 Tree Commission agenda if you want to get this settled quickly. The settlement will probably require the replanting of trees on the property.

By the way, removal of almost the entire top of the tree also would have required a permit-a heavy trimming permit.

We knew that tree might be an issue from the beginning. The proper procedure would have been to check with me prior to abusing/removing the tree when you knew there was an issue.

Sincerely,

Karen

From: frank122162 <frank122162@yahoo.com>
Sent: Monday, April 24, 2023 9:42 AM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: [EXTERNAL] RE: [EXTERNAL] BLDG 2022 2740 - SWALE DETAIL

Karen,

The Gumbo was 2 ft off the house.

We trimmed nearly the entire top to build.

Our clean up crew misunderstood our instructions and cut the rest of it down.

I apologize and need to address as we are quickly approaching completion.

Frank Pla.

2162144229

Sent from my T-Mobile 5G Device

----- Original message -----

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>

Date: 4/24/23 9:31 AM (GMT-05:00)

To: Frank Pla <frank122162@yahoo.com>, Dawn Gonet <dawngonet@gmail.com>

Subject: RE: [EXTERNAL] BLDG 2022 2740 - SWALE DETAIL

I have forwarded your email regarding the swale questions to Elizabeth Ignoffo-Utilities Dept. She reviews all swale construction files.

I received your phone call. You mentioned that the Gumbo Limbo tree didn't make it, what happened to it? Gumbo Limbo trees are protected and its removal requires a permit from my office. I did not issue a permit.

Sincerely,

