

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, [AFFIRMING/REVERSING][IN WHOLE/IN PART] AN APPEAL BY THE CITY OF KEY WEST, UPON A FINDING BY THE TREE COMMISSION TO DENY REMOVAL OF A MAHOGANY TREE LOCATED ON CITY PROPERTY AT 1701 VON PHISTER STREET; FINDING THAT THE TREE COMMISSION DETERMINATION [WAS/WAS NOT] MADE IN ACCORDANCE WITH PROCEDURAL AND SUBSTANTIVE REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting of February 13, 2023, the Tree Commission denied a request for removal of a mahogany tree from City property located adjacent to the residence at 1701 Von Phister Street; and

WHEREAS, the City Commission, sitting as the Key West Board of Adjustment conducted a quasi-judicial hearing concerning an appeal by the City of the Tree Commission's determination dated February 14, 2023; and

WHEREAS, the Board of Adjustment considered the record upon which the Tree Commission rendered its decision, and provided opportunity for presentation by the appellant, City of Key West; and

WHEREAS, City Code of Ordinances section 90-431 requires the concurring vote of no less than four members of the Board of Adjustment/City Commission to reverse or modify an order, requirement, decision or determination of the Tree Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Board of Adjustment finds that there is competent, substantial evidence to [affirm/reverse][in whole/in part] the City's appeal of the Tree Commission's decision dated February 14, 2023.

Section 2: The Board of Adjustment makes the following findings:

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board.

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2023.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2023.

Filed with the Clerk on _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, CHAIR

ATTEST:

CHERYL SMITH, CITY CLERK