

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:

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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