

STAFF REPORT

DATE: January 29, 2019

RE: **3630 Flagler Avenue (permit application # T2019-0005)**

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

An application was received requesting the removal of **(1) Gumbo Limbo tree**. A site inspection was done and documented the following:

Tree Species: Gumbo Limbo (*Bursera simaruba*)







01/09/2019



01/09/2019





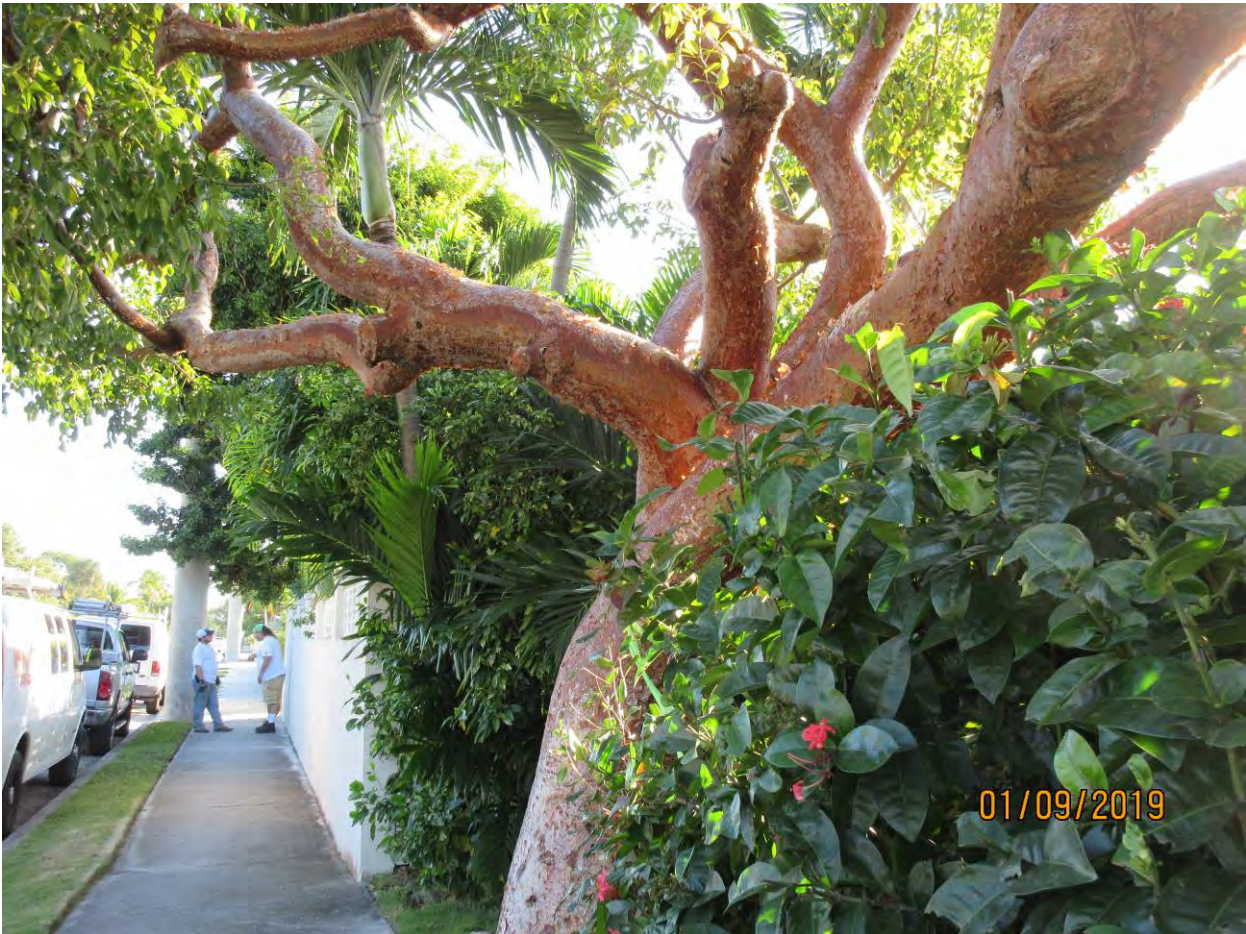














01/09/2019



*NOTE: City Engineering Department has requested that Community Services grind down the concrete to alleviate the sidewalk issues (common policy throughout Key West). If grinding the concrete doesn't work, replacement of sidewalk or installment of flexipave are viable alternatives to allowing tree to remain and establishing a safe sidewalk.)



Any roots from this tree possibly impacting the house could possibly be cut as there is over 10 ft from the base of the tree to this concrete wall (10 ft out from the base of the tree is the approximate critical root zone).

A security fence/wall could easily be built around this tree. Alternative measures exist that would allow the tree to remain and a fence/wall to be built.

Diameter: 19.4"

Location: 60% (root issues with sidewalk)

Species: 100% (on protected tree list)

Condition: 60% (fair, large old tree, wild structure, trunk growth splits but wood looks healthy, surface roots)

Total Average Value = 73%

Value x Diameter = 14.1 replacement caliper inches

Recommendation: Recommend denial of the removal of one (1) Gumbo Limbo tree at 3630 Flagler Avenue; #2 the size or location of the tree makes it substantial in and easily accessible to public view.

Karen DeMaria

From: Mike Biskupich <mike.biskupich@mamasgardencenter.com>
Sent: Wednesday, January 30, 2019 10:09 AM
To: Karen DeMaria
Subject: Re: 3630 Flagler Ave tree removal application

Good morning and thank you for your reply. I guess we will attend the tree commission meeting and see what happens . If we get denial and something were to happen at least his lawyer would know who to call.

Regards,

Mike Biskupich
Mama's Garden Center

On Jan 30, 2019, at 9:19 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

I am not a lawyer so I can not answer your question but I know in the past, removing a healthy tree due to a perceived lawsuit does not usually happen. The property owner is responsible for maintaining the tree so that it does not cause potential safety issues. Right now, the City is working with him to resolve the root issues with the sidewalk. Regarding any low branches over the sidewalk, he is required to maintain a certain height of clearance over the sidewalk and the road, as per code. If a branch needs to be trimmed, then it gets trimmed properly with any permits, if required, or the branch gets identified with signage or reflective material as has been done in other areas of town. That tree has been there a very long time and I am not aware of any issues with it.

Please remember that I am just the Urban Forester, an arborist, a biologist, not a lawyer. You and the property owner have the right to be heard by the Tree Commission. They make the final decision.

Sincerely,

Karen

From: Mike Biskupich <mike.biskupich@mamasgardencenter.com>
Sent: Tuesday, January 29, 2019 8:59 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Re: 3630 Flagler Ave tree removal application

Karen,

I'm not sure if he will accept that answer.

If the sidewalk gets fixed and one day a person hits the tree at night or a low branch and gets hurt and goes to the hospital , who assumes liability ? Dr Beysolow has seen these nightmare situations unfold and he doesn't want to put himself at risk of being sued. (especially if they find out he's a doctor).

Regards,

Mike Biskupich
Mama's Garden Center

Karen DeMaria

From: Kelly M. Crowe
Sent: Monday, January 28, 2019 11:51 AM
To: Karen DeMaria
Cc: Eric Augst; Steven P. McAlearney; Todd C. Stoughton; Marcus A. Davila; Michael J. Turner
Subject: RE: 3630 Flagler Ave tree removal application

Hi Karen,

In this case, grinding the offset concrete would be the more cost effective solution to fixing the sidewalk. The rest of the panels look to be in serviceable condition. We will work with Community Services to have the offset fixed.

Thanks,

Kelly

From: Karen DeMaria
Sent: Monday, January 28, 2019 11:26 AM
To: Kelly M. Crowe <kcrowe@cityofkeywest-fl.gov>; Eric Augst <eaugst@cityofkeywest-fl.gov>
Cc: Steven P. McAlearney <smcalearney@cityofkeywest-fl.gov>; Todd C. Stoughton <tstoughton@cityofkeywest-fl.gov>; Marcus A. Davila <madavila@cityofkeywest-fl.gov>; Michael J. Turner <mturner@cityofkeywest-fl.gov>
Subject: FW: 3630 Flagler Ave tree removal application

FYI—The sidewalk near this tree needs work as it is a potential trip hazard. The property owner has submitted an application to remove the tree but I do not agree with the removal as I am sure there are alternatives available to repair the sidewalk without removing this healthy, protected gumbo limbo tree (see e-mail chain below).

Sincerely,

Karen

From: Karen DeMaria
Sent: Monday, January 28, 2019 11:08 AM
To: 'Mike Biskupich' <mike.biskupich@mamasgardencenter.com>
Subject: RE: 3630 Flagler Ave tree removal application

All over town we have sidewalk and tree issues with trees on private property and public property. The City does its best to alleviate the issue by grinding down the concrete, repouring the concrete and possibly doing some root pruning, or using flexipave. Removal of a tree is always the last resort.

I will be giving engineering and community services a report today about the sidewalk and they will decide the best course of action.

Sincerely,

Karen

On Jan 28, 2019, at 11:07 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

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Sincerely,

Karen

From: Mike Biskupich <mike.biskupich@mamasgardencenter.com>

Sent: Saturday, January 26, 2019 10:31 PM

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

Subject: Re: 3630 Flagler Ave tree removal application

Hi Karen,

Would he be released of any liability if someone got hurt ? Or would this be the city's responsibility?

Regards,

Mike Biskupich
Mama's Garden Center

On Jan 24, 2019, at 5:05 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Mike and Dr. Beysolow:

I am in the process of writing my staff report regarding the request to remove the Gumbo Limbo tree. T this time, I am recommending denial of the removal application. I do not see any significant issues regarding the tree. The City can easily fix the sidewalk and has done so throughout town when tree roots are an issue. The tree appears to be in good health with no obvious signs of insects or major decay. A fence can easily be built around the tree. There is at least 10 ft of clearance to the concrete wall next to the house right now. Trimming of minor roots can be done past that zone, if needed.

If you have additional information you would like to submit to the file, please let me know.

Sincerely,

Karen

From: Mike Biskupich <mike.biskupich@mamasgardencenter.com>

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If you have additional information you would like to submit to the file, please let me know.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager
Certified Arborist
City of Key West
305-809-3768

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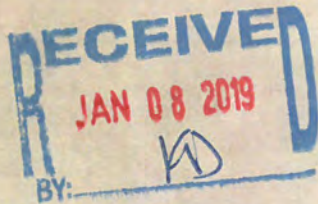


Private
Property
tree

KD

12/05/2018

Application



CANOPY
REMOVAL

2019-0005

Tree Permit Application

Date: 1/4/19

Please Clearly Print All Information unless indicated otherwise.

Tree Address 3630 Flagler Ave.
Cross/Corner Street 18th Terrace
List Tree Name(s) and Quantity Gumbo Limbo (1)
Species Type(s) check all that apply () Palm () Flowering () Fruit (X) Shade () Unsure
Reason(s) for Application:

- (X) REMOVE () Tree Health () Safety () Other/Explain below
() TRANSPLANT () New Location () Same Property () Other/Explain below
() HEAVY MAINTENANCE () Branch Removal () Crown Cleaning/Thinning () Crown Reduction

Additional Information and Explanation
① SARTY CONCERN - RAISED SIDEWALK - MIDDLE OF SIDEWALK
② ROOTS LIFTING HOUSE.
③ WOULD LIKE SECURITY FENCE FOR PETS & CHILDREN.
④

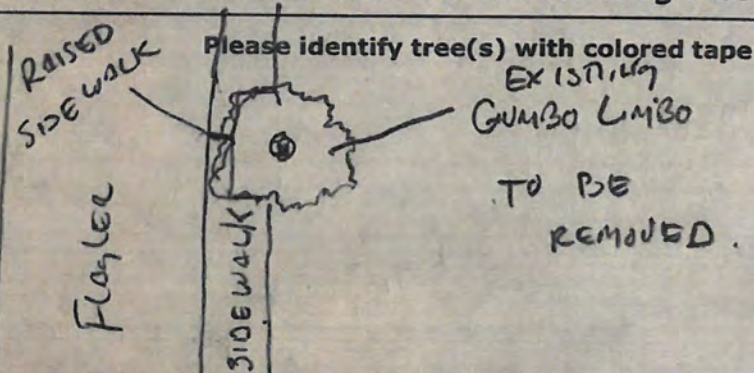
Property Owner Name Dr. Taweh Beysolow
Property Owner eMail Address taweh1@yahoo.com
Property Owner Mailing Address 3630 Flagler Ave.
Property Owner Mailing City Key West State FL Zip 33040
Property Owner Phone Number (305) 393-5315
Property Owner Signature [Signature]

Representative Name Michael Biskupich - Mama's Garden Center
Representative eMail Address mike.biskupich@mamasgardencenter.com
Representative Mailing Address 111 Overseas Hwy
Representative Mailing City Rockland Key State FL Zip 33040
Representative Phone Number (305) 797-5747

NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.

Tree Representation Authorization form attached ()

<<<<< Sketch location of tree in this area including cross/corner Street >>>>>



1-4-19
5'1" CIR
19.4" dbh

If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.



Tree Representation Authorization

Date: 1/8/19

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 3630 Flagler Ave

Property Owner Name Dr. Taweh Beysolow
Property Owner eMail Address taweh1@yahoo.com
Property Owner Mailing Address 3630 Flagler Ave
Property Owner Mailing City Key West, FL State FL Zip 33040
Property Owner Phone Number (305) 393-5315
Property Owner Signature X [Signature]

Representative Name Mike Biskupich - Mama's Garden Center
Representative eMail Address mike.biskupich@mamasgardencenter.com
Representative Mailing Address 111 Overseas Hwy
Representative Mailing City Rockland Key State FL Zip 33040
Representative Phone Number (305) 797-5747

I, Taweh D. Beysolow, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above if there is any questions or need access to my property.

Property Owner Signature X [Signature]

The forgoing instrument was acknowledged before me on this 09 day January, 2019

By (Print name of Affiant) Taweh Beysolow who is personally known to me or has produced FDL B 240-804-54008-0 as identification and who did take an oath.

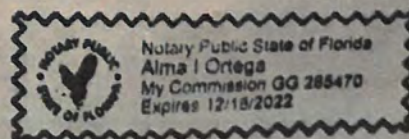
NOTARY PUBLIC

Sign Name: Alma I Ortega

Print Name: Alma I Ortega

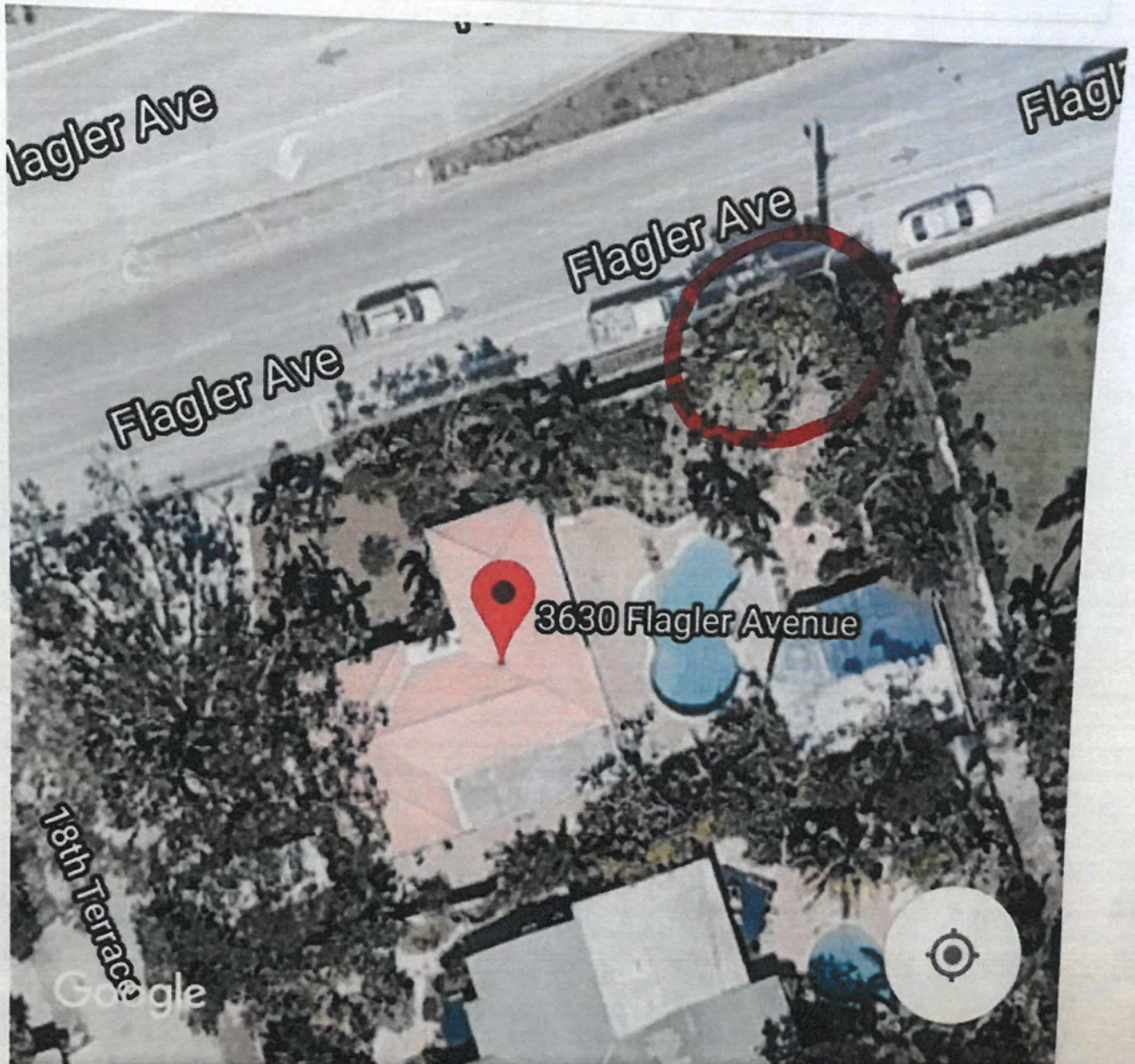
My Commission Expires: 12/18/2022

Notary Public - State of Florida (seal)





3630 Flagler Ave



3630 Flagler Ave

Key West, FL 33040

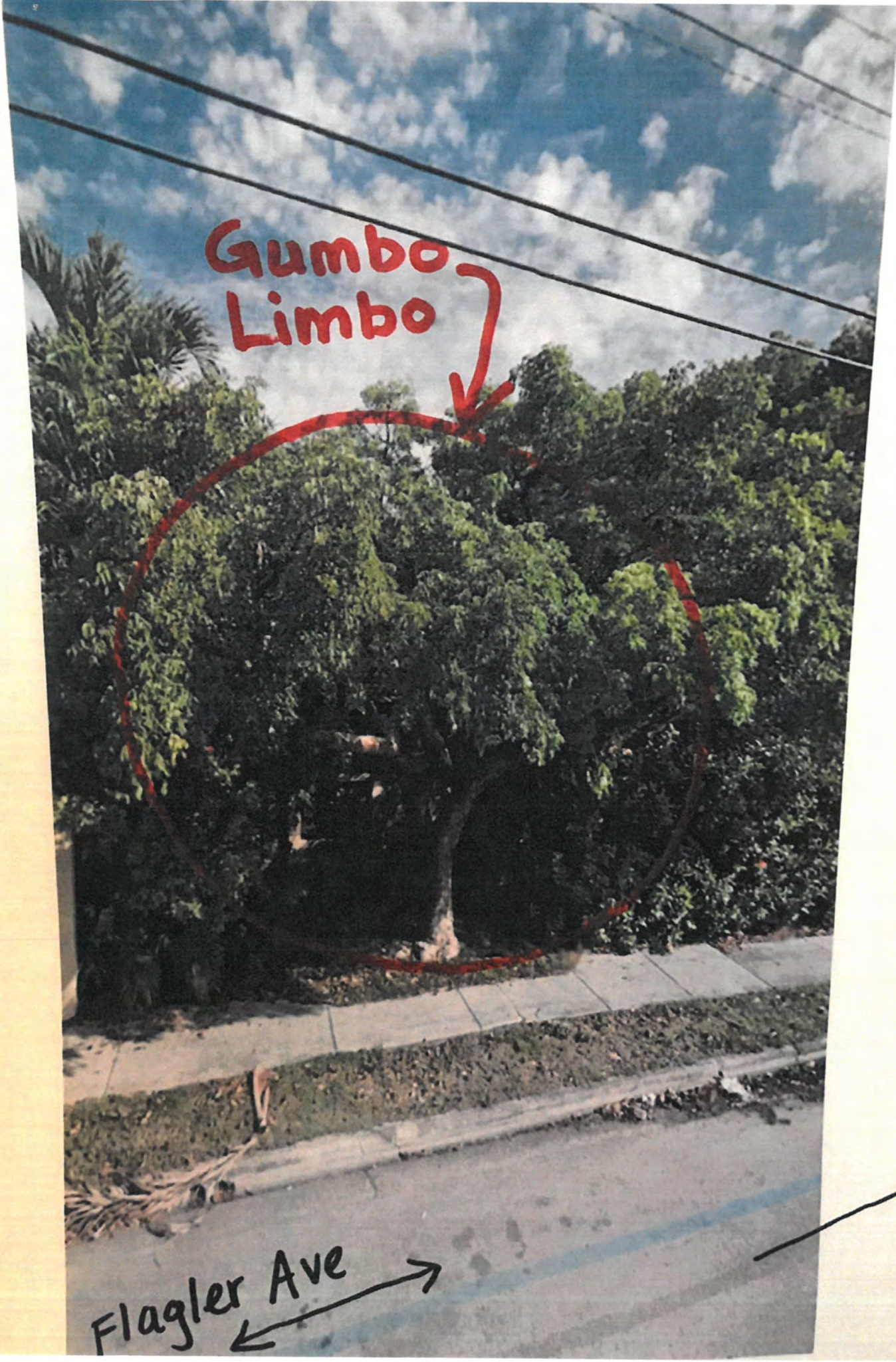


DIRECTIONS

Gumbo
Limbo

Flagler Ave

18th Terr.



Karen DeMaria

From: Dominique Leduc <dominique.leduc@mamasgardencenter.com>
Sent: Tuesday, January 8, 2019 10:17 AM
To: Karen DeMaria
Subject: Re: 3630 Flagler Ave

Hello Karen,

I'm sorry for the delay, I was waiting to get the homeowners signature. I will attach what I have; please let me know if it is sufficient. Thank you to you and your assistant for your help!

Dominique