



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

May 21, 2019

Tree Commission
City of Key West
Petitioner,

Vs.

Gustavo Galo
PO Box 5780
Key West, FL 33045

Donald Trujillo
1415 Flagler Avenue
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, June 11, 2019**, 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 January 18, 2019 at 3539 Eagle Avenue, 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; or
 - (2) Any monocot/pam tree which is ten (10) feet or more in height measured to the terminal bud. Palm tree counts are determined by root ball;

Factual allegation: Approximately twenty two (22) assorted, regulated palms (Christmas, Alexander, Blue Lantan, Thatch, and Fan) have been removed from the property without benefit of a removal permits.

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 regular mail and certified U.S. Mail to the above named Respondent's listed address on this **22nd day of May 2019**.

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



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

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <div style="display: flex; justify-content: space-between;"> x <i>C. CATER</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </p> <p>B. Received by (Printed Name) <div style="display: flex; justify-content: space-between;"> <i>C. CATER</i> C. Date of Delivery <i>5/25/19</i> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> DONALD TRUJILLO 1415 FLAGLER AVENUE KEY WEST, FL 33040 </div>		<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </div>	
<p>2. Article Number <i>(Transfer from service label)</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;"> 7007 3020 0000 5349 1432 </div> <p style="text-align: center;">Domestic Return Receipt</p> <p style="text-align: right;">102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Planning</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <div style="display: flex; justify-content: space-between;"> x <i>Gustavo Galo</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </p> <p>B. Received by (Printed Name) <div style="display: flex; justify-content: space-between;"> C. Date of Delivery <i>5/25/19</i> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> GUSTAVO GALO P.O. BOX 5780 KEY WEST, FL 33045 </div>		<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </div>	
<p>2. Article Number <i>(Transfer from service label)</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;"> 7007 3020 0000 5349 1456 </div> <p style="text-align: center;">Domestic Return Receipt</p> <p style="text-align: right;">102595-02-M-1540</p>	



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 00053190-000000
 Account# 1053813
 Property ID 1053813
 Millage Group 10KW
 Location 3539 EAGLE Ave, KEY WEST
 Address
 Legal KW KW FWDN SUB PLAT 1 PB1-155 LT 3 AND THE ELY 1/2 OF LT 4 SQR 11OR143-84/85
 Description OR269-570/71 OR1125-35 OR1126-730 OR1389-2270/71 OR2301-490/91 OR2479-188/90
 OR2940-1006
 (Note: Not to be used on legal documents.)
 Neighborhood 6223
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision Key West Foundation Co's Plat No 1
 Sec/Twp/Rng 34/67/25
 Affordable No
 Housing



Owner

TRUJILLO DONALD E
 1415 Flagler Ave
 Key West FL 33040

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$191,941	\$194,849	\$167,483	\$174,478
+ Market Misc Value	\$25,498	\$26,457	\$28,374	\$24,680
+ Market Land Value	\$301,860	\$287,820	\$308,424	\$405,358
= Just Market Value	\$519,299	\$509,126	\$504,281	\$604,516
= Total Assessed Value	\$383,400	\$375,515	\$367,792	\$365,235
- School Exempt Value	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)
= School Taxable Value	\$358,400	\$350,515	\$342,792	\$340,235

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	9,000.00	Square Foot	75	120

Buildings

Building ID	4309	Exterior Walls	C.B.S.
Style	GROUND LEVEL	Year Built	1958
Building Type	S.F.R. - R1/R1	EffectiveYearBuilt	2009
Gross Sq Ft	3112	Foundation	CONCR FTR
Finished Sq Ft	1619	Roof Type	FLAT OR SHED
Stories	1 Floor	Roof Coverage	METAL
Condition	GOOD	Flooring Type	CERM/CLAY TILE
Perimeter	271	Heating Type	FCD/AIR NON-DC with 0% NONE
Functional Obs	0	Bedrooms	3
Economic Obs	0	Full Bathrooms	2
Depreciation %	8	Half Bathrooms	0
Interior Walls	WD PANL/CUSTOM	Grade	600
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLG	6 SIDED SECT	739	739	163
OPX	EXC OPEN PORCH	575	0	151
DUF	FIN DET UTILIT	169	0	52
FLA	FLOOR LIV AREA	880	880	134
PTO	PATIO	749	0	280
TOTAL		3,112	1,619	780

STAFF REPORT

DATE: June 6, 2019

RE: Administrative Hearing-3539 Eagle Avenue

During review of a building permit application in January 2019, it was discovered that numerous trees and palms had been removed from 3539 Eagle Avenue and that no permits had been issued for any removals. The property had recently been sold and purchased in December 2018 so a review of realty sales on the internet was done to find photos of the property (see attached).

In the Urban Forestry files there were photos of a portion of the yard taken in 2015 when part of a Japanese fern tree broke and fell onto the roof. The photos show some of the palms in the rear yard and no trees in the side yard at that time.





Reviewing old photos, Google Earth photos, and the internet realty photos it has been determined that approximately 22 assorted, regulated palms have been removed from the property. These are palms that can be identified. There are what appears to be other vegetation missing but it can not be determined whether those were regulated, not regulated, or overgrown ornamental plant species. It does appear that the larger protected dicot trees on the property remain.

Speaking to the owner of the property, Mr. Trujillo, he indicated that he hired a person to clean up the property, Mr. Galo. Mr. Galo stated that he did not realize the palms that were removed required a permit. Please note that only one palm that was removed, a thatch palm that appears to have been in the front of the property close to the house, is the only species of palm on the protected tree list. The other palms removed are regulated due to their size/height (Christmas, Alexander, Fan, and Blue Lantan palms).

Google Aerial Photos



Photo dated February 2018



Photo dated December 2017 (after Hurricane Irma)

Tree removed 2015



Photo dated December 2014

Site Photos









Coconut palm removed-permit issued January 2019





Cut root from
neighbor's
mahogany tree

01/22/2019



01/22/2019



Karen DeMaria

From: Karen DeMaria
Sent: Monday, January 28, 2019 12:59 PM
To: Donaldtru@yahoo.com
Subject: 3539 Eagle Avenue earthwork and plant removal
Attachments: 3539 Eagle Avenue real estate photos.pdf

Donald:

Attached are some photos I found on the internet in relation to the real estate listing of the property. As you can see, there are numerous regulated palms in the front of the property and in the rear. It appears a lot of regulated palms were removed without benefit of a tree removal permit.

For your information, the City of Key West Code of Ordinances lists protected palms, primarily native palms (Thatch palms, Coconut palms, Buccaneer Palms, Sabal Palms). These palms require permits to remove or transplants no matter what their size. All other palms, except Areca and Fishtail palms, are regulated if they are over 10 ft tall from ground to heart (Date Palms, Christmas Palms, Alexander Palms, etc). I see a lot of these types of palms in the photos. Also, when I was on the site I noticed damage surface roots of protected trees including a root cut on a neighboring mahogany tree. This is all a potential violation of City Code. Can you please give me the contact information on the person who did the clearing/removal work.

Sincerely,

Karen

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



3

Christmas palms



Blue lantan

Karen DeMaria

From: Donald <donaldtru@yahoo.com>
Sent: Wednesday, January 23, 2019 10:41 AM
To: Karen DeMaria
Subject: Re: 3539 Eagle Avenue

Hello Karen,

I left you a message yesterday in response to your email. Please call me with any questions you have regarding 3539 Eagle Ave. Thank you.

1-24-19 left message

Gustavo - did earthwork

Christmas palms

Donald Trujillo
305-747-0321

On Jan 22, 2019, at 3:27 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Donald:

I was on your property today, 3539 Eagle Avenue, and I noticed that a lot of vegetation is gone including many regulated palms. I also saw damage to protected tree roots. Who did the clearing work of the yard? No permits were issued to remove the numerous regulated palms.

Sincerely,

Karen

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

Untitled Map

Write a description for your map.

Legend

3539 Eagle Ave

Google Earth



60 ft

Feb 2018
8:08 93

Karen DeMaria

From: Sammy Levin <sammy@garciajoneskw.com>
Sent: Friday, January 18, 2019 10:12 AM
To: Karen DeMaria
Subject: 3539 eagle avenue

Pictures of the yard

can only document palms:
palms - christmas - 1 triple
1 HT single

Blue Lantana 1

Thatch

(+ 14 fract)

22







