



**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**

October 28, 2020

Tree Commission
City of Key West
Petitioner,

Vs.

Como Keys LLC
1109 Eaton Street
Key West, FL 33040

To Whom it May Concern:

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 10, 2020**, 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 July 31, 2020 at 514 Frances Street, Key West, FL:

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
 - (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

Sec. 110-366. Protective barricades; performance bond.

All trees on a site shall be protectively barricaded before and during construction activities. The minimum barricading shall be subject to review by the Urban Forestry Manager.

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Sec. 110-368. Failure to comply.

Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated in this division shall be guilty of tree abuse.



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, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **28th day of October 2020**.

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

Handwritten signature of Karen DeMaria in blue ink.

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

STAFF REPORT

DATE: October 30, 2020

RE: Administrative Hearing for 514 Frances Street (TC2020-0037)

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

On July 31, 2020, during a site visit regarding a building permit application to install an underground propane tank, it was documented that the hole for the tank had been dug and the contractor had damaged the trunk of a nearby Royal Poinciana tree. Contractor stated (Como Keys Propane) that a subcontractor had done the work. They agreed to shift the tank location and to hire an arborist to do future tree repair work.



Photo showing backhoe next to damaged tree, view 1.



Photo showing backhoe next to damaged tree, view 2.



Closeup photo of damaged tree trunk, view 1.

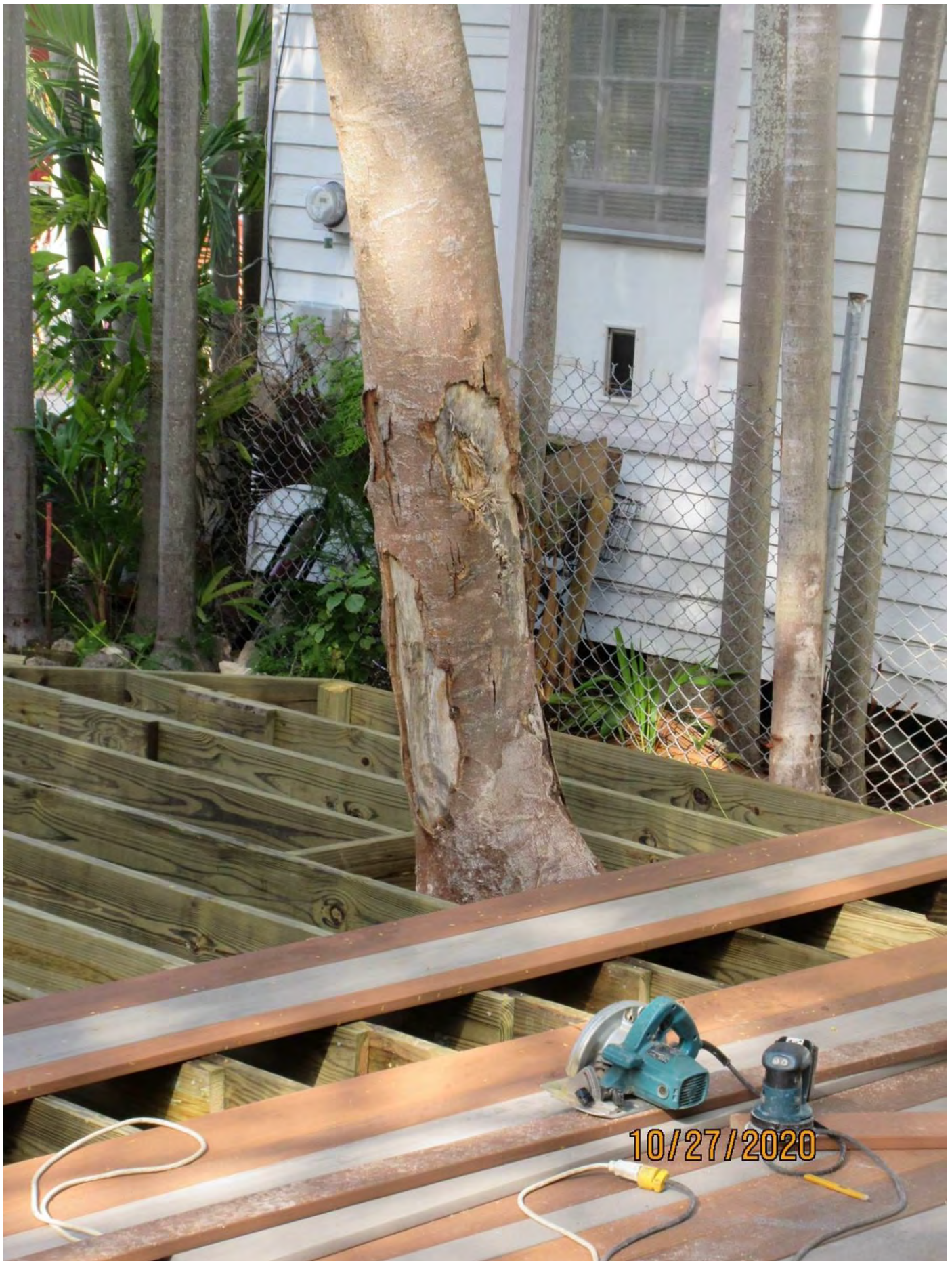


Closeup photo of damaged tree trunk, view 2.

Update photos of the tree:



Updated closeup photo of damaged tree trunk, view 1.



Updated closeup photo of damaged tree trunk, view 2.



Updated photo showing tree canopy.

The property owner wants to keep the tree. It is recommended that the contractor be required to have an arborist evaluate the tree and make recommendations as to its health and a plan for maintenance for the tree. Of concern is the potential for insect invasion into the trunk causing major decay issues.

Additional Information

Karen DeMaria

From: Karen DeMaria
Sent: Wednesday, October 28, 2020 3:06 PM
To: 'arlenf@comokeys.com'
Subject: FW: 514 Frances Street Administrative Hearing Notice-tree damage
Attachments: 514 Frances Admin notice.pdf

From: Karen DeMaria
Sent: Wednesday, October 28, 2020 3:03 PM
To: arlenf@comokeys.com
Cc: dpaconstructioninc@gmail.com
Subject: 514 Frances Street Administrative Hearing Notice-tree damage

Attached is a copy of the Tree Commission Administrative Hearing notice for the November 10, 2020 Tree Commission meeting. Someone representing the company, Como Keys LLC must attend the meeting to resolve this issue. I will be requesting a fine and the requirement that an arborist inspect the tree (in a few month then in a year or two) to make sure it remains healthy and if it declines, then it will be replaced. I spoke to Daniel Arroyo on site recently and he seemed agreeable to this condition.

Sincerely,

Karen

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

Enter Permit Number:

Navigation icons: back, forward, search, zoom, print, etc. 1 of 1 100%

THE CITY OF KEY WEST

1300 White Street, Key West, Florida 33040

PERMIT NUMBER

BLD2020-2126

FLOODPLAIN FUEL GAS PERMIT

PERMIT TYPE: FUEL GAS

Issued: 9/30/2020

PERMIT SUB TYPE: RESIDENTIAL HARC

Expires: 4/6/2021

Application By: COMO KEYS PROPANE
1109 Eaton Street
Key West, FL 33040

On Property Of: 514 FRANCES ST

Scope of Work:

Conditions Apply _____

Install 1- 250 gallon ASME underground propane tank, to supply generator & exterior water heater. **NOC Exempt** **HARC Inspection Required** pdm
propane tank to be undergroundDAS**

No additional damage is to occur to any of the trees in the access area. Contractor will accept Administrative Hearing appointment in the future with the Tree Commission to resolve the existing tree abuse issue due to digging of hole for tank. *KKD

WARNING TO OWNERS

YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY PRIOR TO RECORDING YOUR NOTICE OF COMMENCEMENT.

Notice: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

- This card and approved plans must be posted in a location clearly visible from the street.
- The location of construction must have posted a clearly legible address visible from the street.

PERMIT VOID IF CONSTRUCTION IS NOT STARTED WITHIN 180 DAYS.
Commercial construction allowed M-F 8:00 am - 7:00 pm, Saturday 9:00 am - 5:00 pm

INSPECTIONS

Type _____
Approved By _____
Date ____/____/____

Type _____
Approved By _____
Date ____/____/____

****FINAL****
Approved By _____
Date ____/____/____

Building Official:

Issued By: Veronica Cleare

Date: 9/30/2020



City Of Key West Building Department
Additional Information / Clarification Sheet

Date: 08/05/2020

Permit: 2020-2126

Construction Address: 514 Frances Street

Contractor Name: Como Keys LLC

Contact Phone #: 3053950922

1109 Eaton St
33040

305-395-0922

Arlen F @ comokeys.com

Permit Status:



Application currently being reviewed?



Permit been issued – this is requested additional information only?

Please list additional information / clarification being submitted below:

Corrections per Urban Forestry: Tank to be oriented horizontal / perpendicular to property line to increase distance from poinciana tree. Total distance from tree and root system > 10'. Arborist to be hired for tree repair.

Edit Review

BLD2020-2126

Add Standard Notes

Review Type **URBAN FORESTRY**

Reviewer **Karen DeMaria**

Date Sent **7/21/2020** Today

Date Due **7/30/2020** Today

Status **APPROVED W/ CONDITIONS**

Remarks

Date Returned **8/6/2020** Today

Add to Timesheet

7/31/2020 4:38:43 PM (Karen DeMaria)

Please submit a clarification form that states the directional location of the tank, as discussed on site. Also, please give me the contact information for the sub contractor who did the tree abuse.

8/5/2020 12:57:52 PM (Etrakit Contractor)

Please see attached documents which address clarification. Sub contractor requests discretion, Como Keys accepts responsibility for tree abuse, and will take tree abuse into serious consideration moving forward on any/all permitted work moving forward.

Save

Cancel