

# STAFF REPORT

DATE: May 25, 2021

RE: 1219 Eliza Street (permit application # T2021-0108)

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

An application was received requesting the removal of (1) Royal Poinciana tree. A site inspection was done and documented that the tree was partially on the City right of way. Therefore, an application signed by City Management was required to allow the application to be heard by the Tree Commission:

Tree Species: Royal Poinciana (*Delonix regia*)

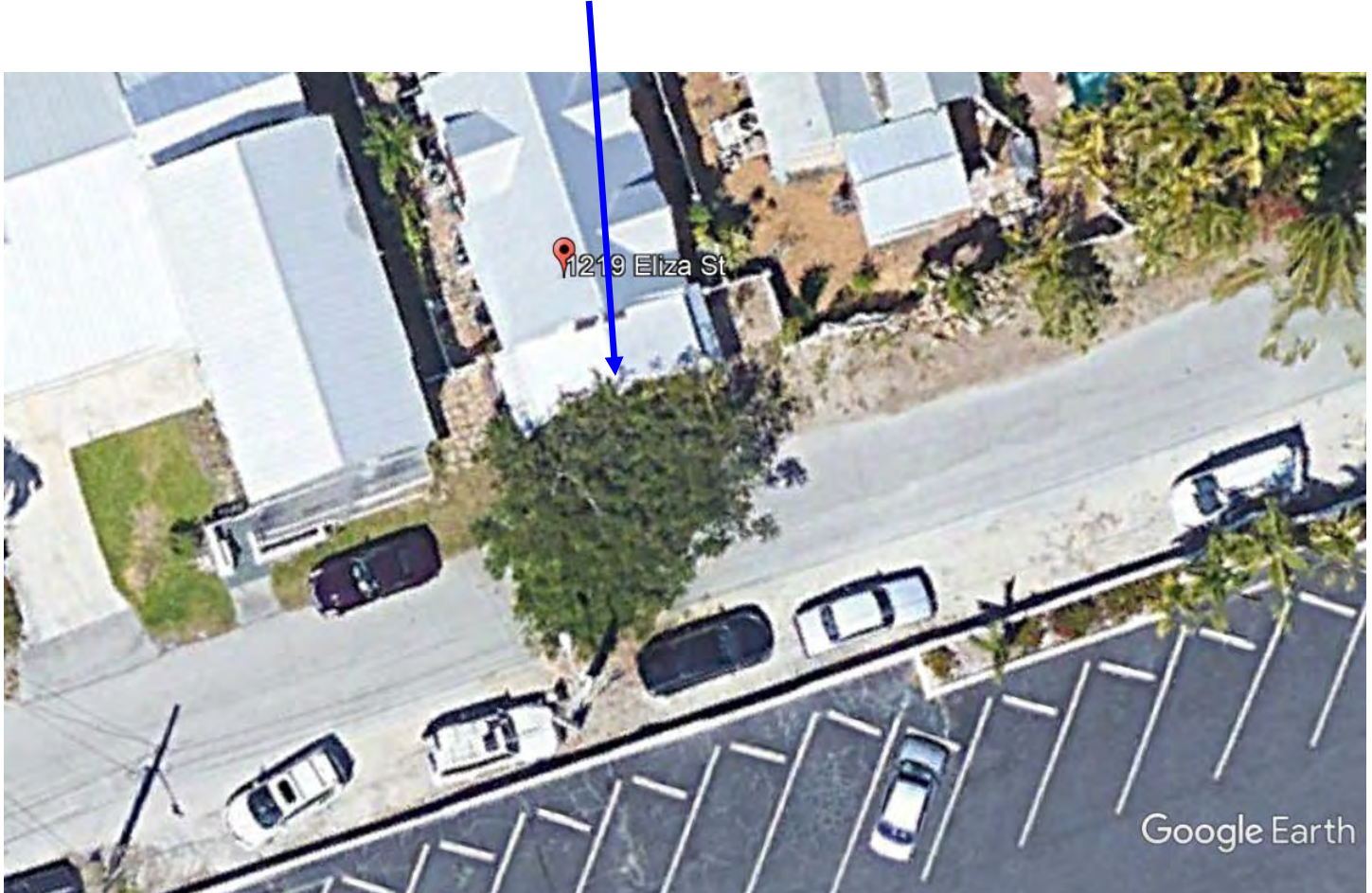




Photo showing location of tree and canopy, side view.



Standing on Eliza Street looking straight at tree and house, view of canopy.



Standing on Eliza Street looking straight at tree and house, view of tree trunk and branches.

Additional photos and information are attached to the application.

Diameter: 21.9"

Location: 60% (growing in front yard along City right of way, very visible tree, utility lines in canopy and canopy growth impacted by trucks.)

Species: 100% (on protected tree list)

Condition: 50% (overall condition is fair to poor, tree has growth lean toward street. Most of canopy is over roadway area, lots of decay and cross branching in canopy, some evidence of subterranean termites)

Total Average Value = 70%

Value x Diameter = 15.3 replacement caliper inches

# Application



T2021-0108

## Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: 5-6-21

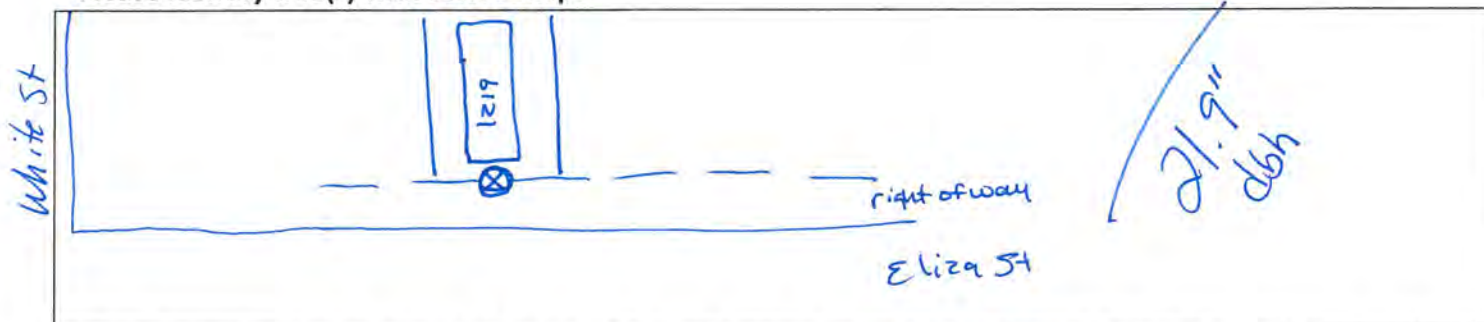
Tree Address 1219 Eliza Street ROW  
Cross/Corner Street White St  
List Tree Name(s) and Quantity 1- Royal Poinciana  
Species Type(s) check all that apply ( ) Palm (X) Flowering ( ) Fruit ( ) Shade ( ) Unsure  
Reason(s) for Application:  
(X) Remove ( ) Tree Health (X) Safety (X) Other/Explain below  
( ) Transplant ( ) New Location ( ) Same Property ( ) Other/Explain below  
( ) Heavy Maintenance Trim ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction  
Additional Information and Explanation Tree is half on city right of way and 1/2 on private property. Property owner wants to remove tree (see attached application).

Property Owner Name City of Key West  
Property Owner email Address \_\_\_\_\_  
Property Owner Mailing Address PO Box 1409 KW FL 33041  
Property Owner Phone Number \_\_\_\_\_  
Property Owner Signature [Signature]  
Representative Name Karen Bellavia  
Representative email Address \_\_\_\_\_  
Representative Mailing Address \_\_\_\_\_  
Representative Phone Number 305-809-3768

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

Please identify tree(s) with colored tape



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

**Karen DeMaria**

x3768

Date: May 14, 2021

RE: 1219 Eliza Street Royal Poinciana Tree Removal Request

An application was submitted to remove a Royal Poinciana tree at 1219 Eliza Street. A site inspection noted that the tree might be on the City right of way. Matt Willman did a site inspection and determined that the tree is partially on City right of way therefore, a signed application is needed from the City Manager's office.

The tree overall is in fair condition. Most of the canopy is over the road and the tree has a growth lean over the road. The canopy structure contains several large trunk branches with several of them damaged from truck strikes. One section is growing toward the utility lines that service the house. Most of the canopy is a tangled mess of branches. There is evidence of subterranean termites (mud trails). No active termites were observed.

The tree could be treated for termites using a bait treatment. It is not known how much damage the termites have already done to the root system or base of the tree. The canopy is overdue for a proper trimming. To trim the tree to fix all the issues (utility line stub cuts, damaged limbs from truck strikes then balancing the tree canopy) might result in most of the canopy being removed and cause the tree to go into decline.

The property owner has submitted several documents regarding their concerns. The arborist, Ken King, has written a comment on the application regarding reason for removal.



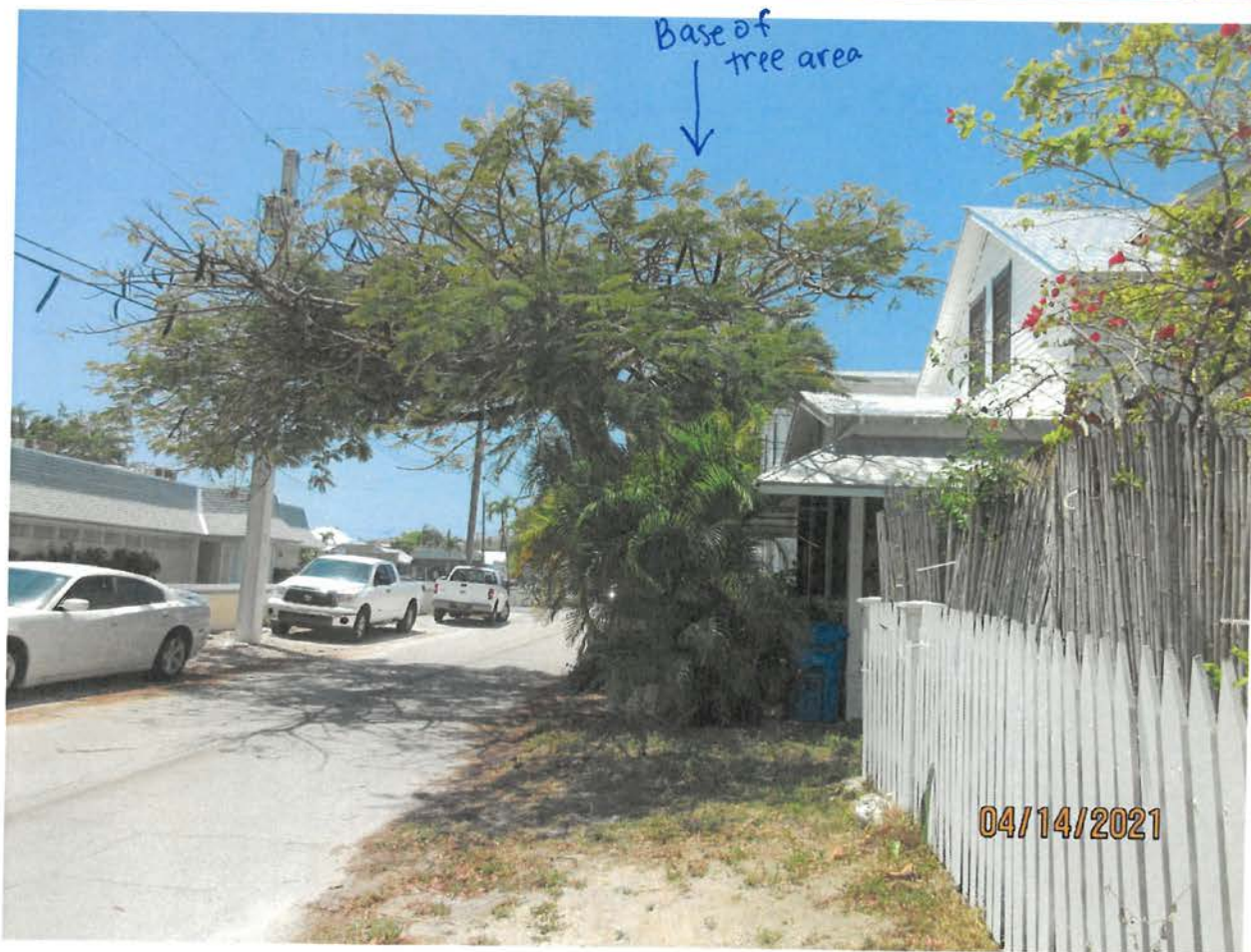


*Karen DeMaria*

Karen DeMaria  
Urban Forestry Manager  
Certified Arborist FL-6585A  
City of Key West  
305-809-3768

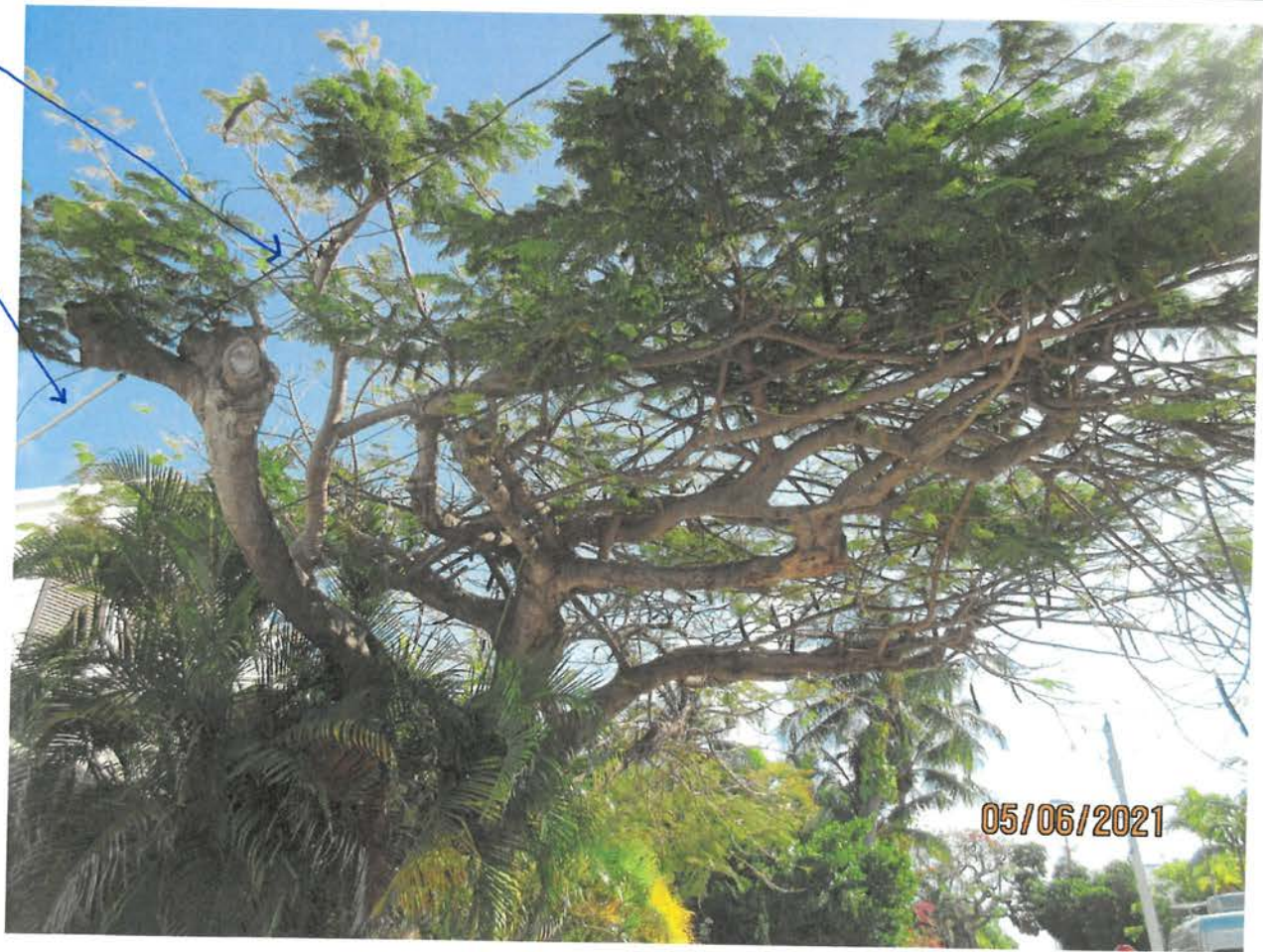


1219 Eliza St



Base of  
tree area  
↓

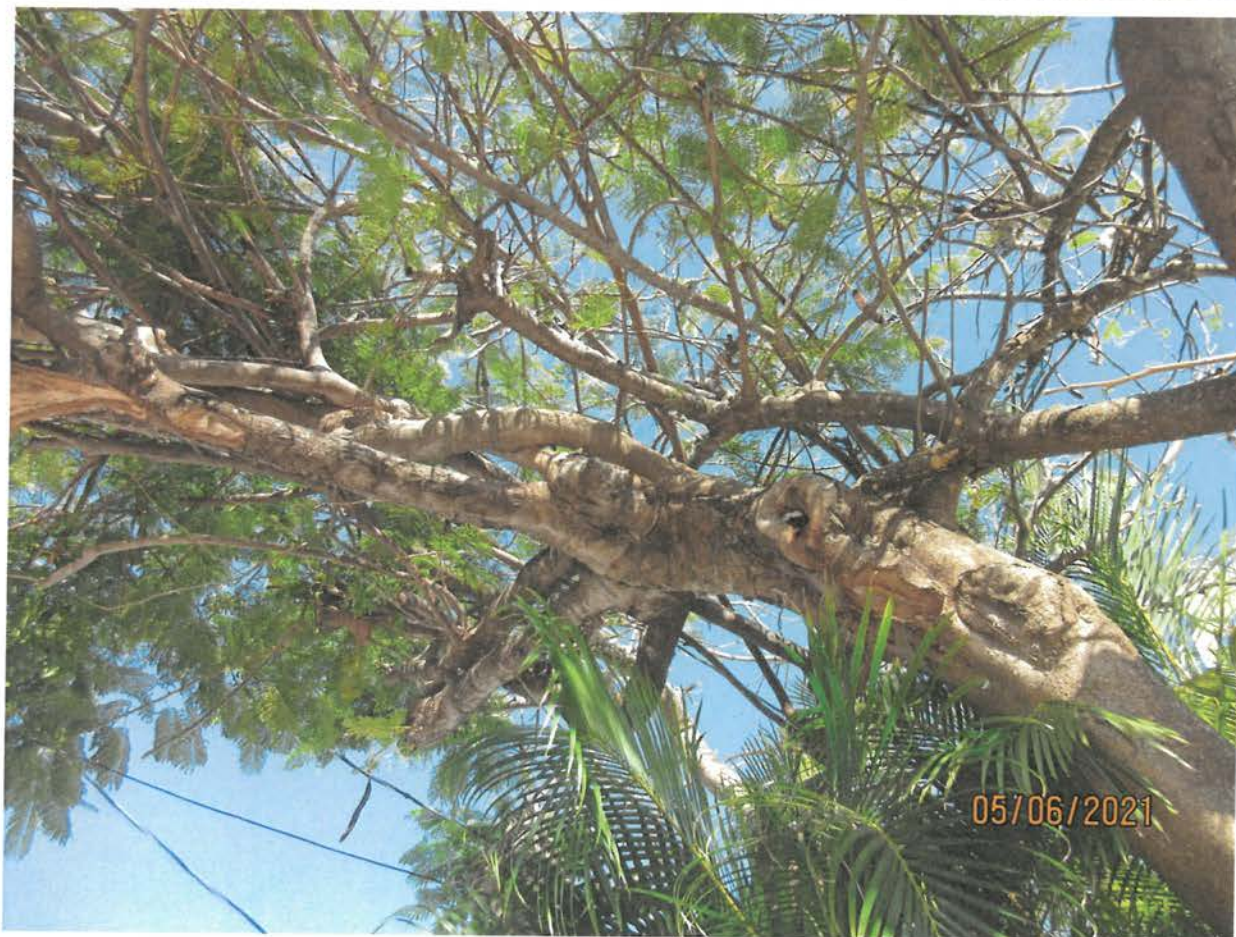
most of  
canopy over  
road.



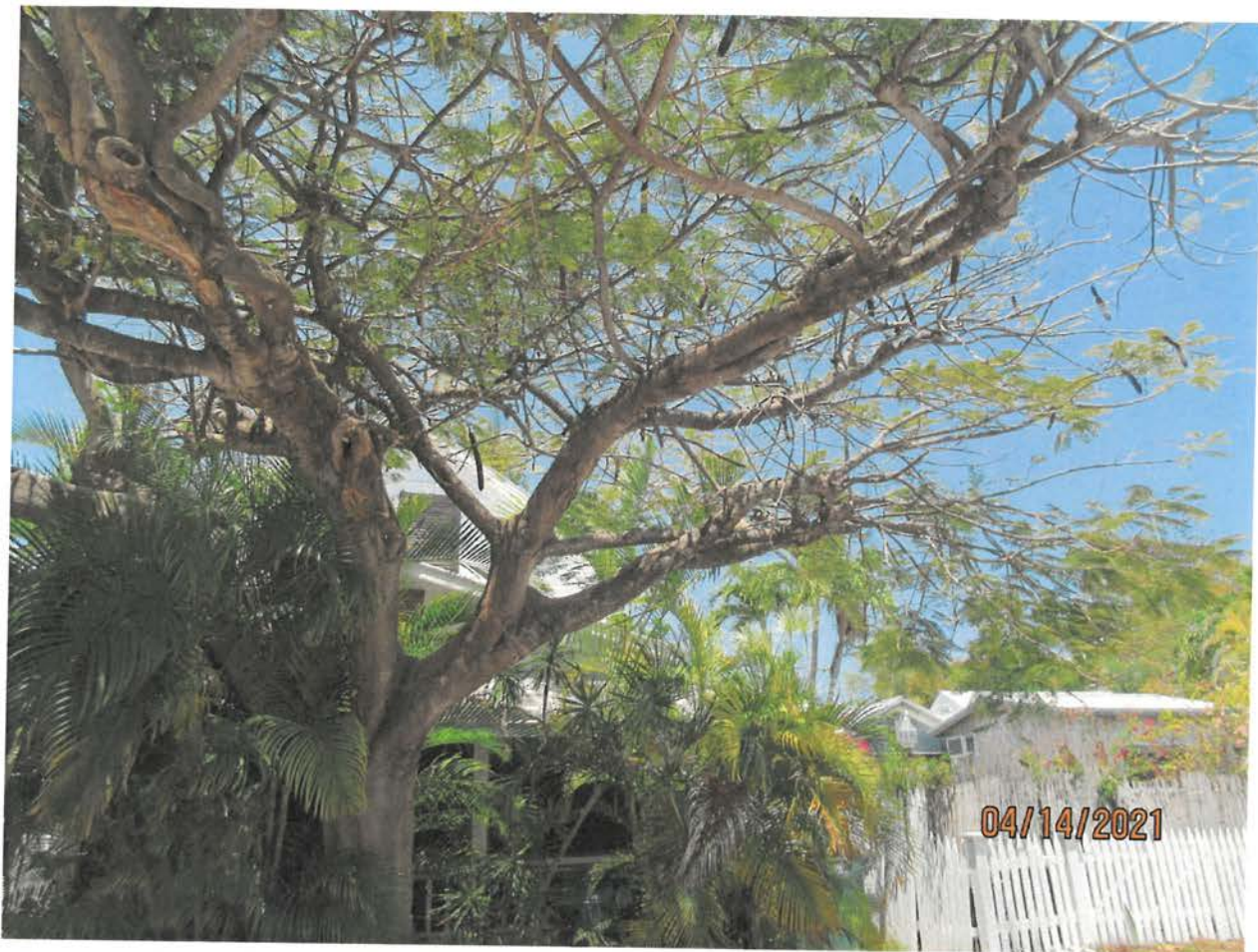
utility lines











Front view  
(street view)



Side view



termite trail



termite trail

termite trail



05/06/2021





House view of tree trunk



T2021-0108 ✓

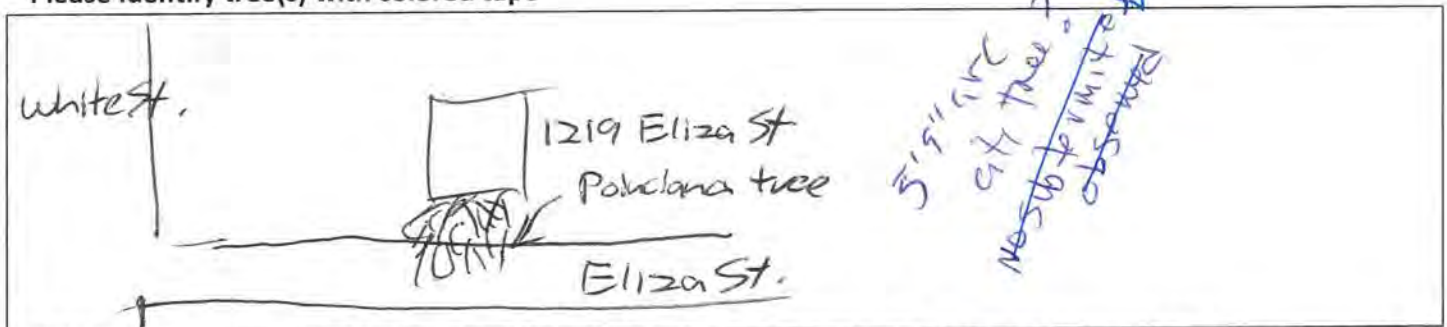
## Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: \_\_\_\_\_

Tree Address 1219 Eliza St.  
Cross/Corner Street White St.  
List Tree Name(s) and Quantity 1 Polkadana tree  
Species Type(s) check all that apply ( ) Palm ( ) Flowering ( ) Fruit ( ) Shade ( ) Unsure  
Reason(s) for Application:  
☒ Remove ☒ Tree Health ☒ Safety ☒ Other/Explain below  
( ) Transplant ( ) New Location ( ) Same Property ( ) Other/Explain below  
( ) Heavy Maintenance Trim ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction  
Additional Information and Explanation Most trees reach up for the light. Unfortunately this polkadana tree seems intent on reaching down to the ground, bringing it into perpetual conflict with passing trucks and stationary utility lines. It's been turned a thousand times but always manages to grow back where it shouldn't. And now it's got subterranean termites mark + Judy Tomczak  
Property Owner Name mark + Judy Tomczak  
Property Owner email Address tomczaklaw@gmail.com ✓  
Property Owner Mailing Address Loft Wt N 7361 N Lakefront Dr. Lad. WI 53555  
Property Owner Phone Number 608-513-9601  
Property Owner Signature \_\_\_\_\_  
Representative Name Kenneth King  
Representative email Address \_\_\_\_\_  
Representative Mailing Address 1602 Laird St.  
Representative Phone Number 305-296-8101

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  
Please identify tree(s) with colored tape



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

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.**

Date March 29, 2021  
Tree Address 1219 ELIZA ST, KEY WEST, FL 33040  
Property Owner Name MARK + JUDY TOMCZAK  
Property Owner Mailing Address N 2761 N LAKEPOINT DR.  
Property Owner Mailing City, State, Zip LOP1, WI 58555  
Property Owner Phone Number 608 513-9601  
Property Owner email Address tomczaklaw@gmail.com  
Property Owner Signature [Signature]  
Representative Name Kenneth King  
Representative Mailing Address 1602 LAND ST.  
Representative Mailing City, State, Zip Key West FL 33040  
Representative Phone Number 305-296-8101  
Representative email Address \_\_\_\_\_

I Mark Tomczak 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 are any questions or need access to my property.

Property Owner Signature [Signature]

The forgoing instrument was acknowledged before me on this 29th day March.  
By (Print name of Affiant) Mark Tomczak who is personally known to me or has produced as identification and who did take an oath.

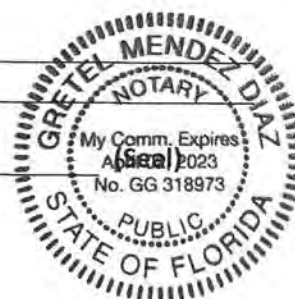
Notary Public

Sign name: [Signature]

Print name: Gretel Mendez Diaz

My Commission expires: April 02, 2023

Notary Public-State of Florida



mtomczakm@netscape.net



3/29/21

To: Mark Tomczak / 1219 Eliza St., KW

From: Mark Weinberg / Hammerhead  
Termite Cont.

Subject: Termites in Poinciana Tree

Please be advised that the Poinciana  
in your front yard is infested  
with subterranean termites.

## Karen DeMaria

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**From:** Judy Tomczak <tomczaklaw@gmail.com>  
**Sent:** Wednesday, May 12, 2021 8:07 AM  
**To:** Karen DeMaria  
**Subject:** Re: Tree Removal Application at 1219 Eliza Street

I understand your role and honestly feel you have been very open and welcoming to our input. Thanks for this information concerning treating the tree and trimming the tree. Also I want to say I appreciate your promptness in getting back to me so quickly. Judy

On May 11, 2021, at 2:15 PM, Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

My job is to determine all the scenarios and determine the best reasonable solution that is available. I do not determine whether the tree can be removed or not, the Tree Commission does. Because the tree is partially on City right of way, the City Manager must sign an application and she will not sign one unless I have reviewed and presented to her all the alternatives that are available. Removal of a tree is always the last resort but sometimes it is the best solution to an issue, that is why I am gathering all this information. If the tree is to remain, yes, the City will treat it and we will trim the canopy.

Sincerely,

Karen

**From:** Judy Tomczak <[tomczaklaw@gmail.com](mailto:tomczaklaw@gmail.com)>  
**Sent:** Tuesday, May 11, 2021 2:08 PM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** Re: Tree Removal Application at 1219 Eliza Street

I can understand why signage might serve as a warning but I am certain those trucks are going to keep coming down Eliza St. The fact that the tree is termite infested and therefore weakened. It sounds like you are planning to keep the tree there so again please advise me as to the city's responsibility regarding liability for injury to person or property. Does the city plan to treat the tree to halt any further damage to the tree. Thanks Judy

On May 7, 2021, at 1:31 PM, Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Typically with trees we look at ways to alleviate any safety issues such as heavy trimming and signage. It is always a last resort to remove trees that is why documenting any other issues is important. The mahogany trees on Simonton Street are a good example. Heavy trimming some of those trees is not an option as the culprit is a main tree trunk therefore, the City placed signage warning truck drivers of the low branches.

Sincerely,

## Karen DeMaria

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**From:** Judy Tomczak <tomczaklaw@gmail.com>  
**Sent:** Friday, May 7, 2021 8:05 AM  
**To:** Karen DeMaria  
**Subject:** Re: Tree Removal Application at 1219 Eliza Street

Karen sorry I missed you. This morning another incident with the tree and trucks hitting it. I happened to be home so I took some pictures. A truck attempting to get to Fausto's hit the tree causing some branches to fall. He was blocked and had to back up pulling more branches. This is my concern for trucks and pedestrians walking down the street. Judy



THERMO KING

Whisper

Another way to find your beach

INTERNATIONAL  
NO RIDERS



GOLD COAST

Gold Coast Beverage, L.L.C.  
A Sonoma, California Co.





**Karen DeMaria**

Thursday  
a.m.

**From:** Judy Tomczak <tomczaklaw@gmail.com>  
**Sent:** Tuesday, May 4, 2021 11:44 AM  
**To:** Karen DeMaria  
**Subject:** Re: Tree Removal Application at 1219 Eliza Street

Thursday or Friday will work. Let me know I will pull the garbage bins out. The tracks are toward the bottom of the tree if we are not there. Thanks Judy

On May 4, 2021, at 8:56 AM, Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Thank you. The City IT department was able to download the letter for me so I can attach it to the application for management to review for their signature on the application. I would like to revisit the tree with the garbage cans removed so I can see the whole area. Is there a day that would be better than others? Maybe Thursday or Friday?

Sincerely,

Karen

5-8-21  
Saw trails  
along base of  
Dahmeria

**From:** Judy Tomczak <[tomczaklaw@gmail.com](mailto:tomczaklaw@gmail.com)>  
**Sent:** Monday, May 3, 2021 2:47 PM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** Re: Tree Removal Application at 1219 Eliza Street

Attachments available until Jun 2, 2021  
Here is pdf version and word.

[Click to Download](#)

Letter to Karen DeMaria for city manager.pdf  
25.4 MB

[Click to Download](#)

Letter to Karen DeMaria for city manager.docx  
83.6 MB

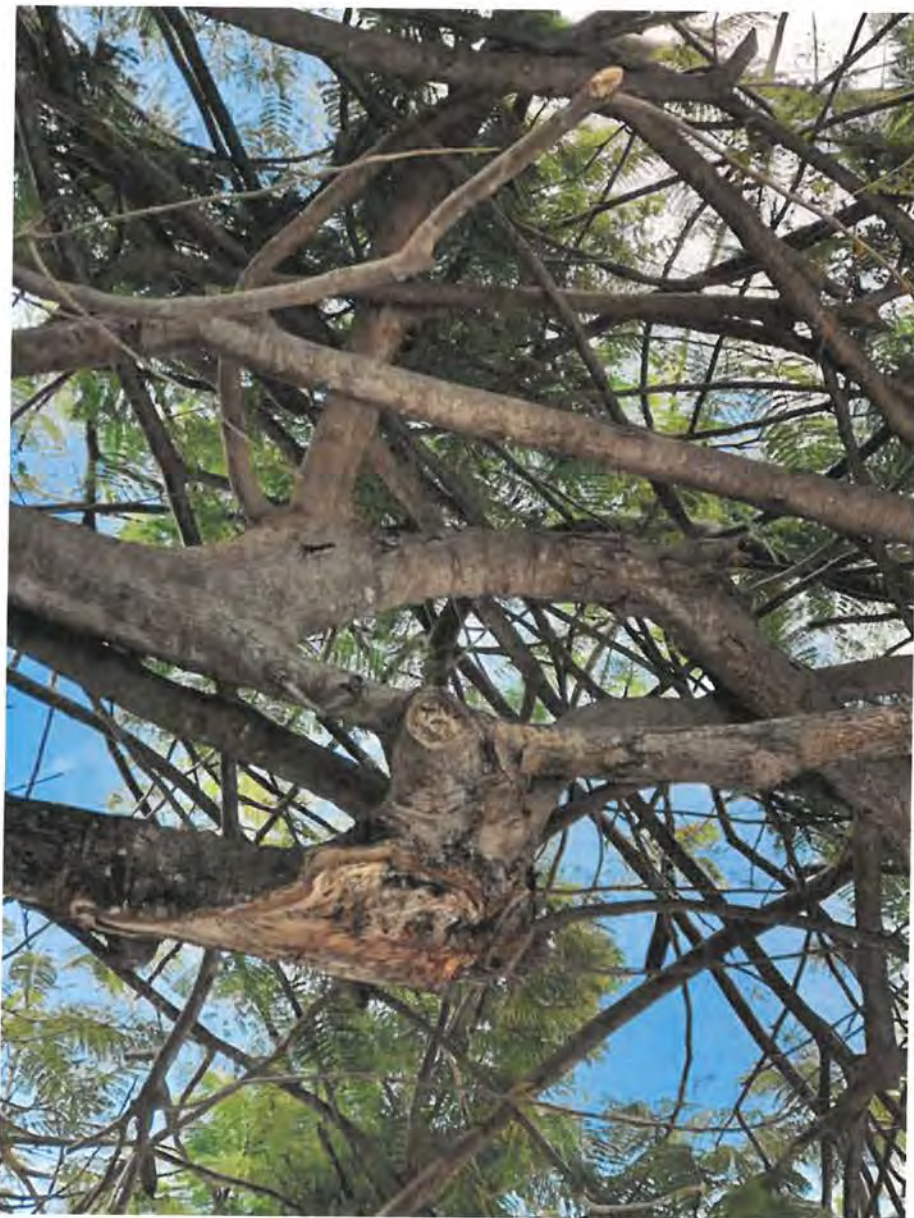
We are leaving Key West right after house is tented May 18. Kenny asked that we attend May 15th meeting. Can we still attend May 15th to address any questions you may have. Let me know if any

Dear Karen:

Thank you for your email and inquiry as to the reasons we would like to remove the Poinciana Tree.

#### 1. TREE IS A DANGER

The location of the tree is on Eliza Street which is the same street that large delivery trucks used to come and go to Fausto's. The tree's branches canopy across the street and are frequently hit by trucks. Large branches are often broken off by the trucks. See picture taken of canopy from the middle of street of damage caused by trucks.





The majority of the tree leans toward the Eliza St. shifting most of it's weight toward the road. Our concern is that the tree poses a real danger to the trucks and other vehicle and pedestrian traffic on the street.

See picture taken from porch showing tree listing toward street.

## 2. TREE INTERFERS WITH WIRES

The tree's canopy has grown over the street and interferes with wires to our house. We have lost internet service because of this interference and had to request Mr King trim the tree so Xfinity could restore our service. (Cost \$300)



## 3. TREE INFESTED WITH SUBTERRANEAN TERMITES

Hammerhead pointed out the mud tunnels on the lower trunk of the tree. A recognizable sign of a termite problem is the presence of mud tubes often appearing along the base of the tree. They can not be seen from the street side. Tunnels are on the side closest to the house. The presence of these tubes near soil is a sign of a

subterranean termite problem. The garbage bins are placed there so it would have been difficult to see without removing them. See photo below.





This picture was taken after Hammerhead inspector showed us how mud tunnels can be scrapped off exposing tunnel below.

#### **4.OTHER CONCERNS OF KENNY KING**

Picture taken from ladder height street side.



## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Monday, April 26, 2021 4:29 PM  
**To:** 'tomczakm@nestscape.net'; 'tomczaklaw@gmail.com'  
**Subject:** RE: Tree Removal Application at 1219 Eliza Street

Mark and Judy:

I asked the City GIS Administrator to document the location of the Royal Poinciana tree in relation to the city right of way. He determined that the base of the tree is on the property line therefore, the City is a partial owner of the tree and any removal request must be reviewed by the City Manager. In order for me to submit an application to the City Manager for their signature I need additional information regarding why the tree should be removed. Can you supply any additional documentation/information as to why you want to remove the tree? I see you have a statement from Hammerhead Termite Control but no photos. When I did an inspection of the tree I did not see any evidence of subterranean termites. Photos would be helpful.

I will hold the application until additional information is received/gathered. Feel free to contact me with any questions. I will also make sure your representative, Ken King, is aware of the situation.

Sincerely,

Karen

*Karen DeMaria*

Karen DeMaria  
Urban Forestry Manager  
Certified Arborist FL-6585A  
City of Key West  
305-809-3768



**From:** Karen DeMaria  
**Sent:** Wednesday, April 21, 2021 3:19 PM  
**To:** tomczakm@nestscape.net; tomczaklaw@gmail.com  
**Subject:** Tree Removal Application at 1219 Eliza Street

Mark and Judy:

I received an application from Ken King-Golden Bough, to remove a Royal Poinciana tree in the front of your property. The Royal Poinciana is a protected tree and its removal must be decided by the Tree Commission which meets once a month. I did an inspection of the tree and the area and I have a question regarding ownership of the tree. I think the City of Key West may be part owner of the tree as I think it may partially be on the City right of way. Before I can process the application I need to clarify the ownership. Do you have a survey of the property line? If the City is partial owner of the tree, an application will also need to be filled out by the City Manager allowing the application to be presented to the Tree Commission for their review.

Also, the application stated that the tree was infested with sub terranean termites. I saw no evidence of subterranean termites during my inspection. Do you have any photos that can be placed with the file regarding the termites in the tree?

Sincerely,

Karen

*Karen DeMaria*

Karen DeMaria  
Urban Forestry Manager  
Certified Arborist FL-6585A  
City of Key West  
305-809-3768



## Karen DeMaria

---

**From:** Matt Willman  
**Sent:** Monday, April 26, 2021 10:49 AM  
**To:** Karen DeMaria  
**Subject:** RE: 1219 Eliza Street property line vs right of way

Karen,

I would agree that this one straddles the property line. This is the best pic that I could get in relation to the PL as it runs just outside of the porch/fence in the foreground. The base of the tree is a little closer to the house than the upper portions, but I would declare it to be on the PL.



***Matt Willman***

GIS Administrator  
Deputy Floodplain Administrator  
City of Key West  
1300 White St

Key West FL 33040  
1.305.809.3721



**From:** Karen DeMaria <kdemaria@cityofkeywest-fl.gov>  
**Sent:** Monday, April 26, 2021 9:10 AM  
**To:** Matt Willman <mwillman@cityofkeywest-fl.gov>  
**Subject:** RE: 1219 Eliza Street property line vs right of way

Matt:

Can you also determine the property line versus the city right of way for another Royal Poinciana tree at in front of 1219 Eliza Street. The property owner has submitted an application to remove the tree and I think part of the tree is on City right of way.

Thank you,












Karen



Overview



**Legend**

-  Centerline
-  Easements
-  Hooks
-  Lot Lines
-  Road Center
-  Rights of Way
-  Shoreline
-  Condo Building
-  Key Names
-  Subdivisions
-  Parcels

<b>Parcel ID</b>	00033990-000000	<b>Alternate ID</b>	1034908	<b>Owner Address</b>	TOMCZAK MARK AND JUDY JOINT REV TR 3/21/1996 2761 N Lake Point Dr Lodi, WI 53555
<b>Sec/Twp/Rng</b>	05/68/25	<b>Class</b>	SINGLE FAMILY RESID		
<b>Property Address</b>	1219 ELIZA St KEY WEST				
<b>District</b>	10KW				
<b>Brief Tax Description</b>	KW ISLAND CITY SUB PB1-26 PT LOTS 10 13 AND 14 SQR 1 TR 14 G12-291 OR824-2186/88L/E OR824-2205D/C OR1012-7800RD OR1254-7340RD/GUARD OR1605-2255 OR1628-318/20 OR1632-953/54 OR1667-788 OR2011-882/83 OR2436-570/72 OR2436-573/77				
	(Note: Not to be used on legal documents)				

Date created: 4/22/2021  
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