



Department of
CITY PLANNING

Office of Buildings – Arborist Division
55 Trinity Avenue, Suite 3800
Atlanta, Georgia 30303
Tel: 404.330.6874
Email: arborist.dpcd@atlantaga.gov

TREE CONSERVATION COMMISSION APPEAL PROCEDURE

Filing eligibility:

- To appeal decisions affecting tree(s) on **private** property, appellant must be a property owner, business owner, or resident of the NPU in which the property is located or live within 500 feet of the NPU in which the property is located.
- To appeal decisions affecting tree(s) on **public** property, any citizen, property owner, or business owner in the City of Atlanta, and/or any civic association in the neighborhood planning unit in which the tree(s) at issue are located may appeal.

Submittal Requirements:

To appeal a decision of an Administrative Official of the City of Atlanta regarding trees, please submit **six (6)** copies, including the following, to the Tree Conservation Commission (TCC):

- Tree Conservation Commission Appeal Form
- Copies of photographs and supplementary documents, if desired.
- Check payable to the City of Atlanta for \$75 (admin fee) or signed affidavit stating economic hardship (see question 7 on pg. 2).
- For appeals of preliminary approval:* Appeal of Preliminary Approval Form (Attachment 1)
- For appeals associated with plans:* the official site plan must be made available to the Tree Commission and verified by the City Arborist and Applicant.
- Authorization of Property Owner if appellant is not the owner (Attachment 2). **OR** Authorization of Attorney if appellant is an attorney for property owner (Attachment 3).
- Valid appeals must identify the section of the Tree Ordinance the appellant believes a City Administrative Official misinterpreted or misapplied and/or and any facts material to the decision of the Administrative Official the appellant believes were misinterpreted or misunderstood.

Submit completed packet to:

| | |
|--|--|
| Mail | Kathryn Evans, Administrative Analyst, Sr. Atlanta City Hall Arborist Division, Tree Conservation Commission 55 Trinity Ave, SW, Suite 3800 Atlanta, GA 30303-0309 Phone: 404.330.6235 |
| Email* | kaevans@atlantaga.gov ; arboristdpcd@atlantaga.gov |
| In person | Atlanta City Hall Arborist Division 55 Trinity Ave, SW, Suite 3800 Atlanta, GA 30303-0309 M-F, Hours: 8:15am – 4:15pm |
| *Email submittals must be received by close of business on the date posted as the submission deadline. Accompanying check must be submitted or postmarked by deadline. | |

Appeal Intake and Scheduling Process:

Upon receipt of documents, the appeal will be scheduled for the next available TCC Public Hearing date. A notice (white sign) of the hearing will be placed on the property by a City of Atlanta Field Arborist. TCC Public Hearings are held the 3rd Wednesday of each month and occasionally on another date (if volume requires) at 6:30 pm at City Hall, Committee Room 2. **Completed packets must be received at least two weeks prior to hearing date to be included on the hearing agenda.**



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Tree Conservation Commission Hearing Procedure:

A quorum of the Tree Conservation Commission (3 members minimum) will preside over the Public Hearing. Each case will be heard in accordance with the procedures below.

- All testimony shall be taken under oath.
- All persons appearing before the Commission shall state their name, relationship to the case, facts of the appeal, and relevant argument.
- Each party shall be allowed 5 minutes to speak unless a request for additional time is made at the beginning of the hearing and granted by the Commission. Multiple speakers presenting for the same side may pool their time for up to 5 minutes.
- The Administrative Analyst or designated Tree Commissioner will maintain a count of the time.
- All speakers must fill out a "Speaker Sign-In Card."
- All exhibits are to be submitted to the Analyst and logged in.

Order of Presentation

1. A sounding of the summary of the appeal
2. Appellant and other parties submit evidence and official site plan (to Analyst/Clerk)
3. Swear in all speakers for case (Court Reporter)
4. Summarization of case (Arborist)
5. Explanation of exhibits (Appellant and/or Arborist)
6. Opening statement and presentation by appellant and statements of other parties supporting case (5 minutes)
7. Statement by any parties opposing the appeal (5 minutes)
8. Rebuttal by appellant (5 minutes)
9. Questions for testifying parties, as required (Commission)
10. Discussion and ruling (Commission)

The Tree Preservation Ordinance of the City of Atlanta, Chapter 158-56 of the Atlanta City Code, 1995, is available on the Atlanta Tree Conservation Commission's website at www.treeconservationcommission.com as well as on the Arborist Division's webpage on the City of Atlanta's website at www.cityofatlanta.com. The Arborist Division is within the Office of Buildings, which is in the Department of Planning and Community Development.



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TREE CONSERVATION COMMISSION APPEAL FORM

Appeal of Decision of Administrative Official Regarding Trees

| | | | |
|--------------------|--|---|--|
| Date filed: | | Appeal Number: (Office use only) | |
|--------------------|--|---|--|

Appellant(s) information List all appellants with name, address and phone number (attach page as needed)

| | | | |
|--------------|--|---|--|
| Appellant 1: | | | |
| Address: | | <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW | |
| Email: | | Phone: | |
| Appellant 2: | | | |
| Address: | | <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW | |
| Email: | | Phone: | |

Property Owner Information (if known)

| | | | |
|----------------|--|---|--|
| Owner Name: | | | |
| Owner Address: | | <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW | |
| Owner Email: | | Owner Phone: | |

Description of Property

| | | | |
|-----------------------------|-------------------------------------|---|--|
| Street Address: | | <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW | |
| Land Lot: (if available) | | County: | |
| District: (if available) | Council District: (if available) | NPU: (if available) | |

All documents submitted will be available to the members of the Commission prior to the presentation of your case. If applicable, please attach supporting reports or affidavits from licensed professionals (e.g.: independent arborists, structural engineers, etc.). If the appellant is **not the owner** of the property, please complete Attachment 2. If an **attorney is filing** or testifying on behalf of the appellant, please complete Attachment 3.

| | |
|--|---|
| <p>NOTE: If you are appealing assessment of a fine or fee, please include amount:</p> <p>a) Fine \$ _____</p> <p>b) Fee \$ _____</p> | <p>1. What is the basis of your appeal? Check all that apply.</p> <p><input type="checkbox"/> Appeal of facts asserted in notice of illegal destruction of trees.</p> <p><input type="checkbox"/> Appeal of facts asserted in notice of illegal removal of trees.</p> <p><input type="checkbox"/> Appeal of fines for unpermitted removal or destruction of trees.</p> <p><input type="checkbox"/> Appeal of recompense fees.</p> <p><input type="checkbox"/> Request to permit tree(s) as dead, dying or hazardous was denied.</p> <p><input type="checkbox"/> Plan to remove tree(s) in association with construction was denied.</p> <p><input type="checkbox"/> Plan to remove tree(s) in association with landscaping plan was denied.</p> <p><input type="checkbox"/> Appeal of Preliminary Approval to remove trees (must complete Attachment 1).</p> <p><input type="checkbox"/> Other: _____</p> |
|--|---|



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| | |
|--|--|
| 2. Have you obtained the relevant permits for your proposed project? Building permit, land disturbance permit, variance permit, etc. | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 3. What is the specific decision (and date of the decision if known) of the City Arborist you are appealing? | |
| 4. What decision(s) do you want the Tree Conservation Commission to make? | |
| 5. If there are other responsible parties (e.g. tree company, builder, landscape company, other) please provide contact information below. Please attach copies of any relevant invoices, cancelled checks, etc. | |
| 6. Briefly summarize the proposed activities on the property. | |
| 7. Please provide justification if you are claiming economic hardship in your ability to pay \$75 filing fee or fines/recompense. Provide a signed affidavit if you are asking for consideration based on income and assets or nonprofit status. If pertinent, provide a copy of your development impact fee waiver. | |
| 8. Please provide complete written explanation if not covered in responses to questions above. (Attach additional pages as needed.) | |

I hereby swear that all statements herein and attached herein are true and correct to the best of my knowledge and belief.

Appellant or Agent for Appellant

Date

Note: If appellant is an agent of the property owner, please complete Attachment 2.
If appellant is an attorney, please complete Attachment 3.



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**TREE CONSERVATION COMMISSION
SUPPLEMENTAL FORM FOR APPEALS OF PRELIMINARY APPROVAL
ATTACHMENT 1**

Note: Form is required **only** for appeals of **Preliminary Approval** by City Arborist

| | | | |
|--------------------|--|---|--|
| Date filed: | | Appeal Number: (Office use only) | |
|--------------------|--|---|--|

Appeal information:

Please state how you contend Preliminary Approval of the Tree Protection Plan does not comply with the City of Atlanta Tree Protection Ordinance. Ordinance available at www.atlantatreecommission.com and on the City of Atlanta Arborist Division webpage. Please include a general statement here and address specific issues below or on attached pages(s).

ISSUE/CONCERN #1

Brief statement of Issue 1:

Tree of concern. (Please list tree ID or species/DBH).

List applicable section(s) of ordinance:

ISSUE/CONCERN #2

Brief statement of Issue 2:

Tree of concern. (Please list tree ID or species/DBH).

List applicable section(s) of ordinance:



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ISSUE/CONCERN #3

Brief statement of Issue 3:

Tree of concern. (Please list tree ID or species/DBH).

List applicable section(s) of ordinance:

ISSUE/CONCERN #4

Brief statement of Issue 3:

Tree of concern. (Please list tree ID or species/DBH).

List applicable section(s) of ordinance:



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**TREE CONSERVATION COMMISSION
AUTHORIZATION OF ATTORNEY
ATTACHMENT 3**

Note: Attachment 3 is required only if an attorney is filing an appeal on behalf of the owner of the subject property.

I swear, as an attorney at law, that I have been authorized by the owner of (subject property address) _____ to file the attached.

| | | | | | |
|---|--|--------|--|---|--|
| Please complete the below information: | | | | | |
| Name: | | | | | |
| Address: | | | | <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW | |
| City: | | State: | | Zip: | |
| Email: | | Phone: | | | |

Signature of Attorney

Date