



Department of
CITY PLANNING

Office of Buildings – Arborist Division
55 Trinity Avenue, Suite 3800
Atlanta, Georgia 30303
Tel: 404.330.6874
Email: treeappeal@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 **eight (8)** hard copies, including the following, to the Tree Conservation Commission (TCC):

- Tree Conservation Commission Appeal Form.
- Copies of photographs and supplementary documents, if desired.
- Payment of \$75 (admin fee) or signed affidavit stating economic hardship (see question 7 on pg.).
Note: Online payments can be made after submittal of the appeal by requesting an invoice. Invoice will list instructions of how to pay. Otherwise, payment accepted at cashier’s window in City Hall.
- 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*	treeappeal@atlantaga.gov and kaevans@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 to cashier at City Hall or postmarked by deadline. Alternatively, once appeal is accepted an invoice may be generated, allowing for online payment.	

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, for fifteen calendar days, by a City of Atlanta Field Arborist. TCC Public Hearings are held the 3rd Wednesday of each month and occasionally on another date (if number of appeals requires) at 6:30 pm at City Hall, Committee Room 1.



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Completed packets must be received at least two weeks prior to hearing date to be included on the hearing agenda; packets must include a summary of argument and all documentary evidence supporting the argument. All rebuttal arguments and evidence shall be submitted at least one week prior to the hearing unless a showing can be made that the evidence was not available one week prior. Previously *unavailable* photos and exhibits will be accepted *no later* than 48 hours prior to the hearing (if submitted less than one week prior to hearing, the evidence must be submitted by email and 7 copies must be provided at the hearing).

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, home address, 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.

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 (including explanation of any exhibits) (Arborist).
5. Opening statement and presentation by appellant and statements of other parties supporting case (5 mins).
6. Statement by any parties opposing the appeal (including explanation of any exhibits) (5 mins)
7. Rebuttal by appellant (3 mins).
8. **No party** to an appeal **may speak outside of the allocated time** unless the individual is invited to the podium by the Chair to answer questions from the Commission.
9. Executive Session - Questions for testifying parties, as required (Commission).
10. Executive Session - Discussion and ruling (Commission).
11. Commission typically issues a decision at the hearing, which is followed by a written decision addressed mailed to the appellant. The Commission reserves the right to defer a final ruling and to require additional information before rendering a final decision, but in any case, will issue a final ruling at another public hearing within two months of the initial hearing.
12. Any decision of the Commission may be appealed through a writ of certiorari to the Superior Court of Fulton County. Any party wishing to appeal must notify the Commission of that intent within six working days of the date of the Commission's decision.

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 <https://www.atlantaga.gov/government/departments/city-planning/office-of-buildings/arborist-division/tree-conservation-commission>. The Arborist Division is within the Office of Buildings, which is in the Department of City Planning.