



Department of **BA-201910774**
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 FORM
 Appeal of Decision of Administrative Official Regarding Trees

Date filed:	December 3, 2019	Appeal Number: (Office use only)	BY: _____
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Appellant(s) information List all appellants with name, address and phone number (attach page as needed)			
Appellant 1:	JANICE M WHITE		
Address:	1854 VIRGINIA AVE #2, College PK, GA	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input checked="" type="checkbox"/> SW	
Email:	allpreppermit@yahoo.com	Phone:	(404) 964-5922
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:	Rustic 2 Realty LLC		
Owner Address:	3224 Ravenswood WA, San Jose, CA 95148	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
Owner Email:	rustic2realty@gmail.com	Owner Phone:	(408) 338-5035

Description of Property			
Street Address:	2884 1st Avenue Atlanta 30315	<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input checked="" type="checkbox"/> SW	
Land Lot: (if available)	14-0093000417B	County:	Fulton
District: (if available)	14th	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.

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



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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 checked="" 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? <i>To Adjust property fee of \$17,480.00</i>	
4. What decision(s) do you want the Tree Conservation Commission to make? <i>To accept proposed plan to replant to trees to support health trees cut down. Other trees removed were wild trees from overgrowth 2010-2019-Violations from Code</i>	
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. <i>SEE Attachment of builder...</i>	
6. Briefly summarize the proposed activities on the property. <i>Interior Renovation to single-family home - Deck addition - Repair driveway</i>	
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>OWNER hired Ricky McGaha AS the contractor for Renovation of property per the scope of permit approve. Was not aware of tree removals until stop work order was issue.</i>	

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

James M. White
Appellant or Agent for Appellant

12/23/2019
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)	
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Appeal information:
<p>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).</p>

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 BY PROPERTY OWNER
ATTACHMENT 2**

Note: Required only if the appellant is not the owner of the subject property and is filing on behalf of the owner. Form must be notarized.

I, Hussain Karmally, (Property Owner) swear I am the owner of the property at 2884 1st Avenue Atl. GA (Property Address), as shown in the records of Fulton County, Georgia which is the subject matter of the attached appeal. I authorize the person named below to act as appellant in the pursuit of this appeal.

Appellant 1: JANICE M WHITE
Address: 1854 VIRGINIA AVENUE #2 College PK, GA NE NW SE SW
Email: allpreppermit@yahoo.com Phone: (404) 964-5922

Karmally
Signature of Property Owner Date 12/3/2019

Personally appeared before me,
Hussain Karmally (Print Name),
who swears the information contained in this authorization is true and correct to the best of his/her knowledge or belief.

[Signature] 26-Dec-19
Notary Public Date

PATRICK MORGAN
Notary Public, Fulton County, Georgia
My Commission Expires July 15, 2020



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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.

N/A

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

PATRICK MORGAN
Notary Public, Fulton County, Georgia
My Commission Expires July 12, 2020



<https://www.11alive.com/article/news/investigations/popular-site-homeadvisor-under-fire-after-users-lob-complaints-against-contractor/85-505528271>

Popular site HomeAdvisor under fire after users lob complaints against contractor

Home Advisor says it puts contractors through a rigorous screening process. But, as 11Alive Investigator Andy Pierrotti uncovered, sometimes doesn't go far enough.

Author: Andy Pierrotti
Published: 8:06 PM EST January 7, 2018
Updated: 2:56 AM EST January 8, 2018

Over the next few months, many metro Atlanta homeowners are expected to spend their upcoming income tax checks on home renovations. HomeAdvisor.com is banking they use its website to find contractors to do the work.

The website says consumers can trust its contractors because they put them through "one of the industry's most comprehensive screening processes." Contractors pay HomeAdvisor to list their services on the website.

An 11Alive investigation uncovered HomeAdvisor's background checks, however, cannot always be trusted to go far enough.

This past spring, Suwanee homeowner Shanna Connell logged onto HomeAdvisor in search of a contractor to redesign her fireplace and lay concrete for a future outdoor patio. She says she saw R & M Design, owned and operated by Ricky McGaha, listed on the website. She paid him \$17,000.

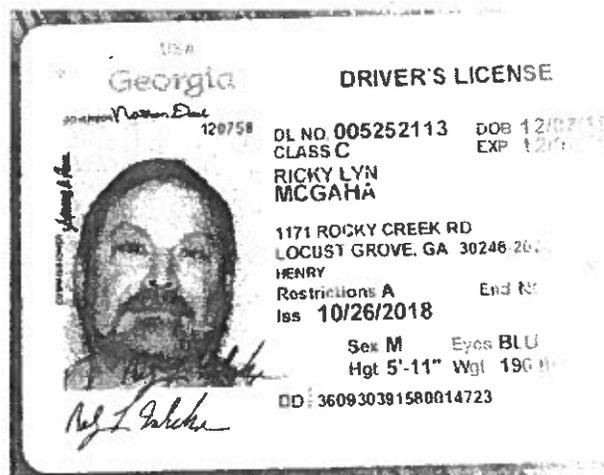
Connell says McGaha told her it would take 30 to 45 days to complete the work. It took him more than five months.

When he was finished, Connell says it was shoddy. The concrete slab is cracking and peeling. The fireplace has gaps between the stone and the cabinets surrounding it are difficult to open.

“Everything that was being done was a disaster, the floors would get scratched or paint would get splattered on everything,” Connell said .

According to court records, McGaha has been sued more than a half dozen times since 2005 – ordered to pay tens of thousands of dollars back to customers for not completing work or paying rent. A few months ago, the BBB gave his company a “F” after it “detected a pattern of complaints.”

Last year, a Cherokee County Grand Jury indicted him for four counts of identity fraud. **(Read the indictment)**



In a brief interview with McGaha in December, he denied the indictment and said the issue was a dispute with an ex-girlfriend. According to an email from Cherokee County District Attorney Shannon Wallace, McGaha's case "will be on the trial calendar for Jan. 29th."

McGaha confirmed he does not have a Georgia residential contractor's license, but can still do work without one. "It's very simple. You have a permit expeditor that pulls the permits for you," McGaha said. The contractor said he could not respond to Connell's concerns because his attorney advised him not to.

HomeAdvisor declined to be interviewed. By email, company spokesperson Tracy Williams wrote 11Alive to say McGaha "passed our screening criteria."

►► **Read: [HomeAdvisor's response](#)**

The company initially said the contractor didn't need a license because McGaha claimed he installed fencing, which doesn't require a license in Georgia. After it received a consumer complaint, HomeAdvisor removed McGaha's company from its website this past October.

"It's important to note that [McGaha] and this homeowner were never matched by our site. We can't regulate how a pro promotes their business outside of our site," Williams said.

A short time later, the 11Alive Investigators found McGaha back on the website under a different company name – Magnolia Design Group. HomeAdvisor declined to tell us why or how it happened.

Home Advisor didn't know about the contractor's past, because it wasn't really looking for it. According to its website, unless it receives a complaint, it only screens contractors they day they sign up. Its criminal background checks go back three years. Civil lawsuit checks go back 12 months.

Complaints and reviews on

Rick McGaha

Yelp

BBB

&

Investigative report on 11Alive.com



Mary Beth T.
Alpharetta, GA

👥 94 friends

★ 6 reviews

📷 2 photos

★ ★ ★ ★ ★ 6/29/2017

We hired them to rebuild our deck last spring and I am dissatisfied with the quality of work. There are way too many nails and no lag bolts, so the rail is already loose and potentially unsafe. The miters don't match and corners were sloppily pieced together. The owner was at my house to collect the balance as his guys were finishing up so I didn't have time to inspect the details. This is not the kind of company I like to do business with, would not recommend.

Lori R.
Saint Petersburg, FL

👥 0 friends

★ 5 reviews

📷 18 photos

★ ★ ★ ★ ★ 7/29/2017

Too many people have been scammed by this man, Rick McGaha. He has taken well over 300 thousand dollars from people this last 6 months alone. He has several federal fraud cases currently against him. He uses a contractor's license that is not his, and that he has NO RIGHT to use. He is a thief and a liar. Do not believe him, he would steal from his own mother. Please contact me at L.Swaininvestigates@aol.com as we are trying to band together to stop him from continuing to rip off people.

He has several other businesses as well.

These are the ones we know of. Each one of his "other" businesses have the same stuff being said about him. Took my money and ran. Owes me thousands.

Who needs this many companies??

Custom Carriage Garage Doors
A Team Garage Doors
The Door Company Distribution
Awnings Over Atlanta
R and M Design Group
Magnolia Design

L.Swaininvestigates@aol.com

Susan V.
Lithonia, GA
6 friends
31 reviews
19 photos

★★★★★ 9/17/2017

This Rick Magaha person is a professional scammer. Do Not do business with him. He stoled 53k from us and we are suing

R V.
Lawrenceville, GA
0 friends
7 reviews
1 photo

★★★★★ 6/27/2017

📌 First to Review

Do Not hire this company or the owner Rick McGaha for ANYTHING. He was hired for work at my neighbor's and I's house that was never completed or started...he refuses to refund our deposits that amount to many tens of thousands of dollars.



Find businesses, charities, category

Near Santa Clara, CA

USA

Search

R & M Design Group, LLC

[View full business profile >](#)

2 Customer Reviews

Sort By Date

What do you think? Add your review.



Tell us what you think!

8920 Eves Rd STE 767788
Roswell, GA 30076

<http://www.rmdgatl.com/>

Email this Business

(678) 454-4540



AG



12/03/2018

Rip off company. did not deliver as promised. He (Rick M****) disappeared with money paid, he is no where to be found, none of his phone numbers work including that of his assistant Carol. He comes across and a wholesome, southern gentleman. BE AWARE!!!



Walter M.



01/05/2018

How long should it take to build a simple detached two car garage? Many have told me about 3 months, definitely not more than 6 months. 16 MONTHS later, all I have in my ripped up back yard is a plywood structure, which has been exposed to the elements for over 6 months now to the point where some of the wood may need to be replaced. Issues include: Two failed footing/foundation inspections Three failed framing inspections One failed fire inspection report Follow up communications were often incoherent, unreliable, and delayed Be very careful before hiring R&M Design Group. My experience is one of the worst I've ever been through. Lessons learned when working with contractors: No large down payments (in my case, he asked for 50% up front) Instead, make smaller payments as sub tasks (electrical, framing, etc.) are completed AND pass inspection.

Accreditation

THIS BUSINESS IS NOT
BBB ACCREDITED

Years in
Business: 7

BBB Rating



Customer Reviews are not used in the calculation of BBB Rating

[Overview of BBB Ratings](#)

907533 - Illegal Tree Destruction/Removal

BA-201907533 Bookings/Action/In/Begin/Assign/Map

Opened Date: 09/11/2019 Closed Date:
 Closed by Department: Arborist Inspection Current Department:
 Closed by Staff: Greg Ihle Current User:

Assigned to Department: **Current Department** Arborist Inspection
 Assigned to Staff: **Current User** Greg Ihle

Job Value: 0.00 Total Fee Invoiced: 17,485.00 Total Pay: 9.00 Balance: 17,494.00
 Created By: ACA Created By: ACA

Application/Project Name: Illegal Tree Destruction/Removal

Detailed Description

Illegal Tree Destruction/Removal:

- ✓ 1) Water Oak, 38" dbh, located front right of property - rightside new driveway - severe impact to structural root plate/destroyed APRICES
- ✓ 2) Water Oak, 43" dbh, located front left of property - leftside new driveway - severe impact to structural root plate/destroyed X PICES
- ✓ 3) Unknown species, 21" dbh/stump, located back right corner of structure - removed ↓ Attached
- ✓ 4) Unknown species, 8" dbh/stump, located back rightside of property - removed ↓ Attached
- ✓ 5) Unknown species, 8" dbh/stump, located back rightside of property - removed ↓ Attached
- ✓ 6) Unknown species, 12" dbh/stump, located back rightside of property - removed ↓ Attached
- ✓ 7) Unknown species, 8" dbh/stump, located back rightside of property - removed ↓ Attached
- ✓ 8) Maple, 12" dbh/stump, located back leftside of property - removed ↓ Attached
- ✓ 9) Unknown species, 15" dbh/stump, located back leftside of property - removed ↓ Attached
- ✓ 10) Sweetgum, 12" dbh/stump, located back leftside of property - removed ↓ Attached
- ✓ 11) Sweetgum, 19" dbh/stump, located leftside of structure - removed ↓ Attached

check spelling

Picture Attached
HAZARDOUS TREE

Damage by lightning
DTH trees

Fw: Tree inspection

Janice White

Wed 12/4/2019 7:14 AM

To: West End Print Shop <weprint@westendprintshop.com>

Please print two copies of email will pick up at 9am

----- Forwarded Message -----

From: Sandra Griffin <sgriffin61@outlook.com>

To: allpreppermit@yahoo.com <allpreppermit@yahoo.com>

Sent: Tuesday, November 19, 2019, 6:18:03 PM EST

Subject: Fwd: Tree inspection

Sent from my T-Mobile 4G LTE Device

Get [Outlook for Android](#)

From: Sandra Griffin <sgriffin61@outlook.com>

Sent: Tuesday, November 19, 2019 11:03:01 AM

To: Sandra Griffin <sgriffin61@outlook.com>

Subject: Re: Tree inspection

 FYI...the two trees in front yard are in danger of falling need to be addressed ASAP.

Sent from my T-Mobile 4G LTE Device

Get [Outlook for Android](#)

From: Sandra Griffin

Sent: Tuesday, November 19, 2019 10:55:37 AM

To: allpreppermi@yahoo.com <allpreppermi@yahoo.com>

Subject: Tree inspection

 FYI...the rear of property had only one planted tree removed...the other 13 trees were wild trees that grow on there on ...the two trees located in the front yard are dead pouring that walk way didnot kill those trees.

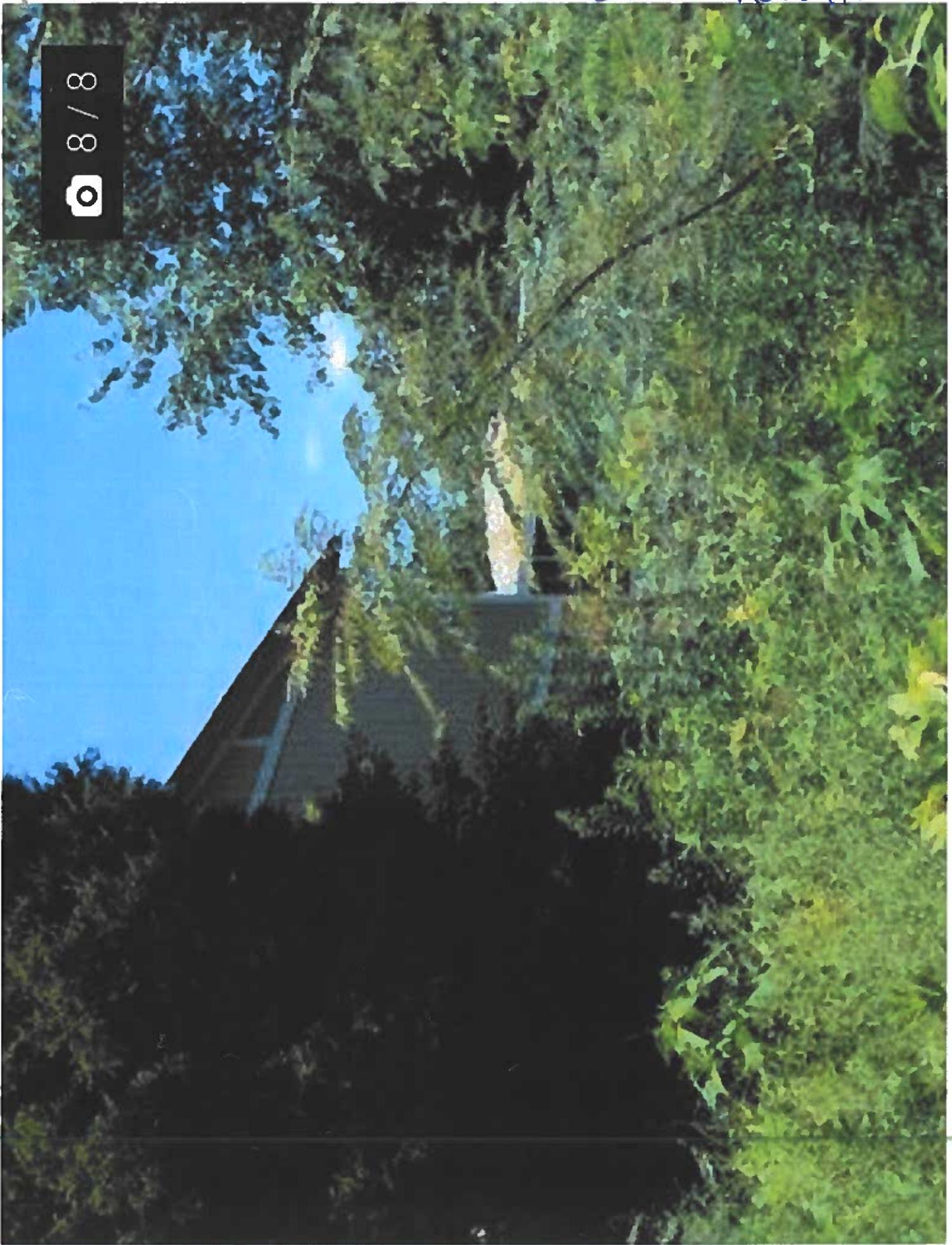
Sent from my T-Mobile 4G LTE Device

Get [Outlook for Android](#)



OVERGROWTH

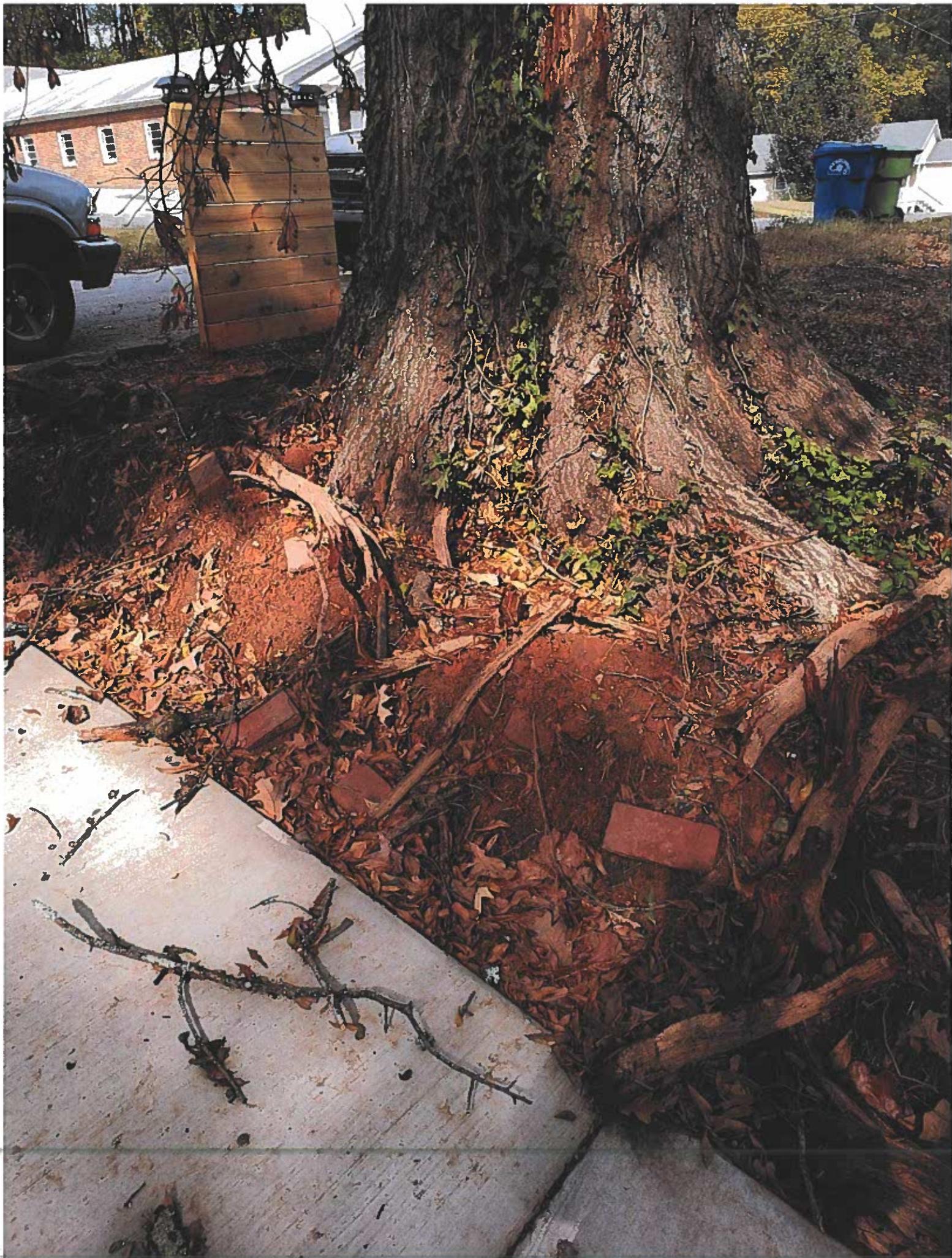
8/8







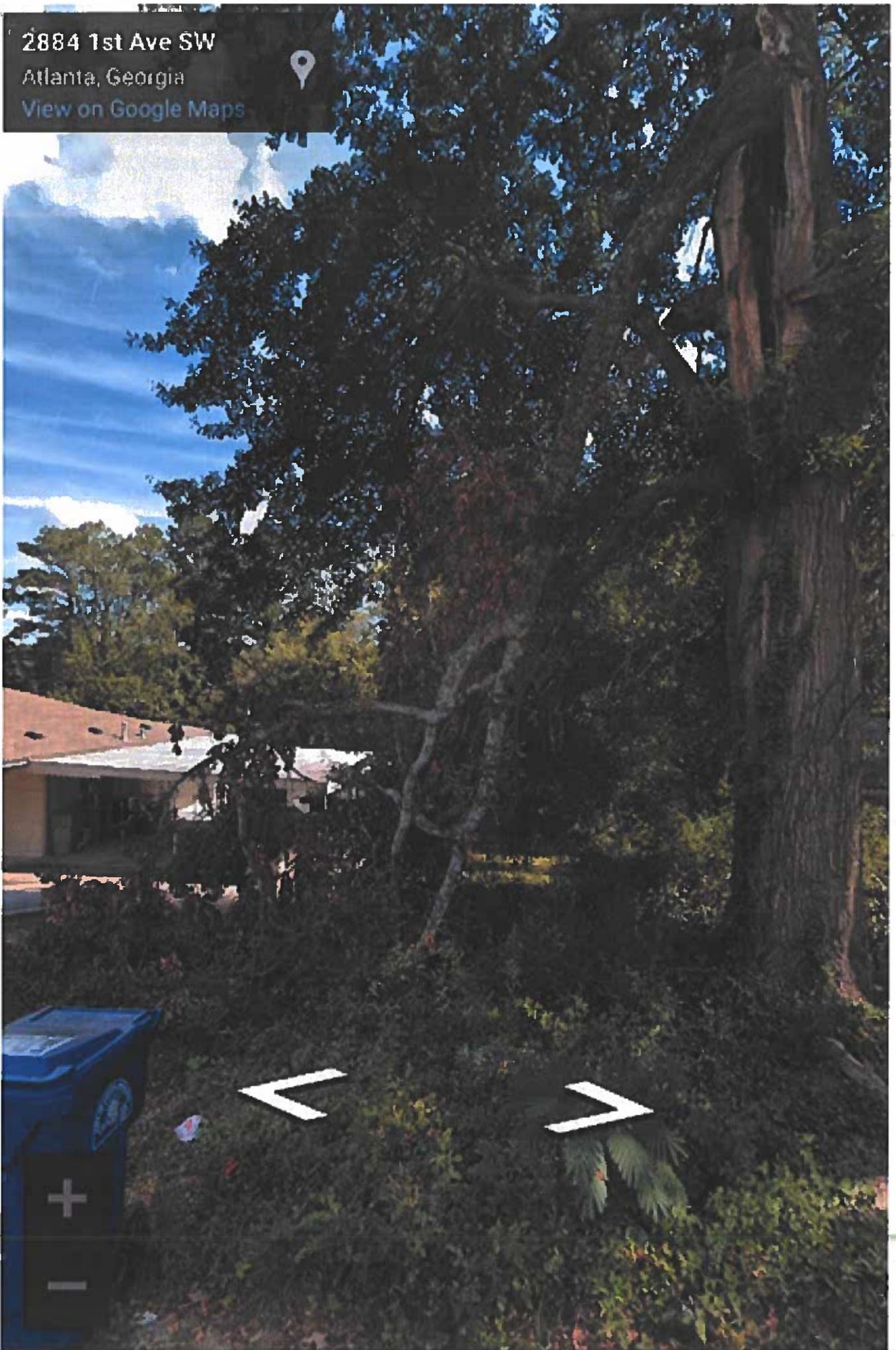


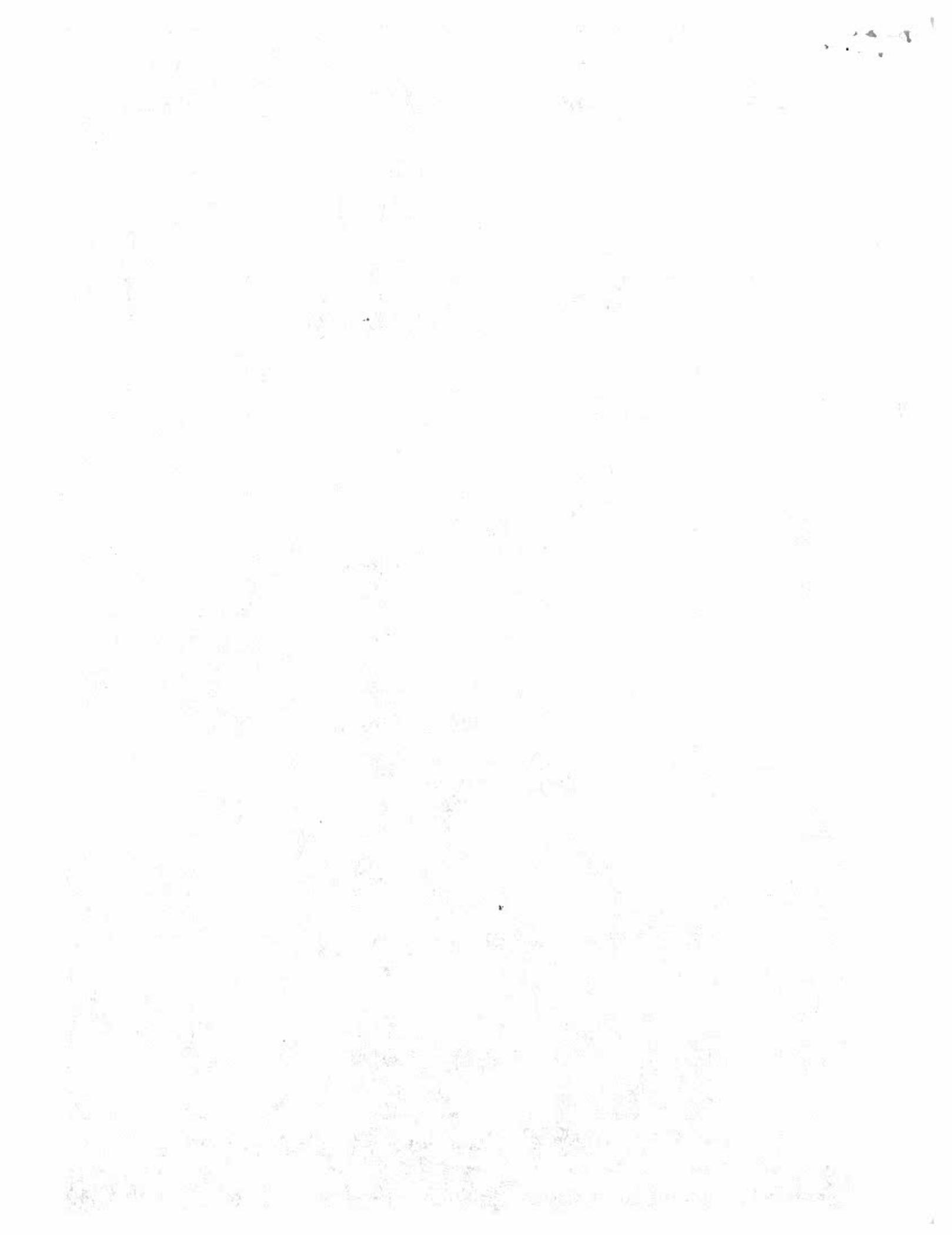


2884 1st Ave SW
Atlanta, Georgia
[View on Google Maps](#)



32" Hardwood







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Email:	allpreppermit@yahoo.com	Phone:	(404) 964-5922
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:	Rustic 2 Realty LLC		
Owner Address:	3224 Ravenswood WA, San Jose, CA 95148	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
Owner Email:	rustic2realty@gmail.com	Owner Phone:	(408) 338-5035

Description of Property			
Street Address:	2884 1st Avenue Atlanta 30315	<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input checked="" type="checkbox"/> SW	
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Appellant or Agent for Appellant

12/23/2019
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Date filed:		Appeal Number: (Office use only)	
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Brief statement of Issue 1:

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List applicable section(s) of ordinance:

ISSUE/CONCERN #2

Brief statement of Issue 2:

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

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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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Appellant 1: JANICE M WHITE
Address: 1854 VIRGINIA AVENUE #2 College PK, GA NE NW SE SW
Email: allpreppermit@yahoo.com Phone: (404) 964-5922

Karmally
Signature of Property Owner Date 12/3/2019

Personally appeared before me,
Hussain Karmally (Print Name),
who swears the information contained in this authorization is true and correct to the best of his/her knowledge or belief.

[Signature] 26-Dec-19
Notary Public Date

PATRICK MORGAN
Notary Public, Fulton County, Georgia
My Commission Expires July 15, 2020



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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.

N/A

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

PATRICK MORGAN
Notary Public, Fulton County, Georgia
My Commission Expires July 12, 2020



<https://www.11alive.com/article/news/investigations/popular-site-homeadvisor-under-fire-after-users-lob-complaints-against-contractor/85-505528271>

Popular site HomeAdvisor under fire after users lob complaints against contractor

Home Advisor says it puts contractors through a rigorous screening process. But, as 11Alive Investigator Andy Pierrotti uncovered, sometimes doesn't go far enough.

Author: Andy Pierrotti
Published: 8:06 PM EST January 7, 2018
Updated: 2:56 AM EST January 8, 2018

Over the next few months, many metro Atlanta homeowners are expected to spend their upcoming income tax checks on home renovations. HomeAdvisor.com is banking they use its website to find contractors to do the work.

The website says consumers can trust its contractors because they put them through "one of the industry's most comprehensive screening processes." Contractors pay HomeAdvisor to list their services on the website.

An 11Alive investigation uncovered HomeAdvisor's background checks, however, cannot always be trusted to go far enough.

This past spring, Suwanee homeowner Shanna Connell logged onto HomeAdvisor in search of a contractor to redesign her fireplace and lay concrete for a future outdoor patio. She says she saw R & M Design, owned and operated by Ricky McGaha, listed on the website. She paid him \$17,000.

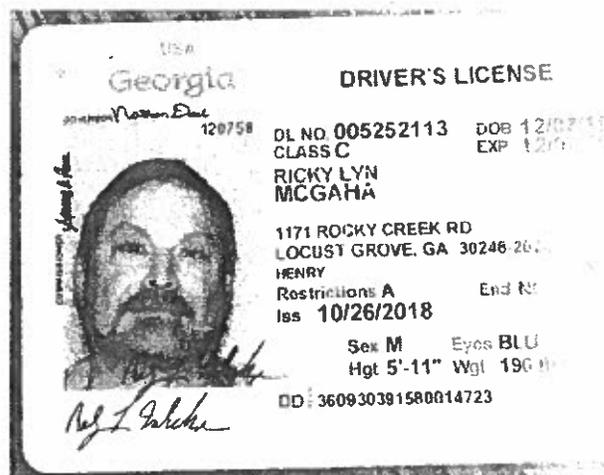
Connell says McGaha told her it would take 30 to 45 days to complete the work. It took him more than five months.

When he was finished, Connell says it was shoddy. The concrete slab is cracking and peeling. The fireplace has gaps between the stone and the cabinets surrounding it are difficult to open.

“Everything that was being done was a disaster, the floors would get scratched or paint would get splattered on everything,” Connell said .

According to court records, McGaha has been sued more than a half dozen times since 2005 – ordered to pay tens of thousands of dollars back to customers for not completing work or paying rent. A few months ago, the BBB gave his company a “F” after it “detected a pattern of complaints.”

Last year, a Cherokee County Grand Jury indicted him for four counts of identity fraud. **(Read the indictment)**



In a brief interview with McGaha in December, he denied the indictment and said the issue was a dispute with an ex-girlfriend. According to an email from Cherokee County District Attorney Shannon Wallace, McGaha's case "will be on the trial calendar for Jan. 29th."

McGaha confirmed he does not have a Georgia residential contractor's license, but can still do work without one. "It's very simple. You have a permit expeditor that pulls the permits for you," McGaha said. The contractor said he could not respond to Connell's concerns because his attorney advised him not to.

HomeAdvisor declined to be interviewed. By email, company spokesperson Tracy Williams wrote 11Alive to say McGaha "passed our screening criteria."

►► **Read: [HomeAdvisor's response](#)**

The company initially said the contractor didn't need a license because McGaha claimed he installed fencing, which doesn't require a license in Georgia. After it received a consumer complaint, HomeAdvisor removed McGaha's company from its website this past October.

"It's important to note that [McGaha] and this homeowner were never matched by our site. We can't regulate how a pro promotes their business outside of our site," Williams said.

A short time later, the 11Alive Investigators found McGaha back on the website under a different company name – Magnolia Design Group. HomeAdvisor declined to tell us why or how it happened.

Home Advisor didn't know about the contractor's past, because it wasn't really looking for it. According to its website, unless it receives a complaint, it only screens contractors they day they sign up. Its criminal background checks go back three years. Civil lawsuit checks go back 12 months.

Complaints and reviews on

Rick McGaha

Yelp

BBB

&

Investigative report on 11Alive.com



Mary Beth T.
Alpharetta, GA

👥 94 friends

★ 6 reviews

📷 2 photos

★ ★ ★ ★ ★ 6/29/2017

We hired them to rebuild our deck last spring and I am dissatisfied with the quality of work. There are way too many nails and no lag bolts, so the rail is already loose and potentially unsafe. The miters don't match and corners were sloppily pieced together. The owner was at my house to collect the balance as his guys were finishing up so I didn't have time to inspect the details. This is not the kind of company I like to do business with, would not recommend.

Lori R.
Saint Petersburg, FL

👥 0 friends

★ 5 reviews

📷 18 photos

★ ★ ★ ★ ★ 7/29/2017

Too many people have been scammed by this man, Rick McGaha. He has taken well over 300 thousand dollars from people this last 6 months alone. He has several federal fraud cases currently against him. He uses a contractor's license that is not his, and that he has NO RIGHT to use. He is a thief and a liar. Do not believe him, he would steal from his own mother. Please contact me at L.Swaininvestigates@aol.com as we are trying to band together to stop him from continuing to rip off people.

He has several other businesses as well.

These are the ones we know of. Each one of his "other" businesses have the same stuff being said about him. Took my money and ran. Owes me thousands.

Who needs this many companies??

Custom Carriage Garage Doors
A Team Garage Doors
The Door Company Distribution
Awnings Over Atlanta
R and M Design Group
Magnolia Design

L.Swaininvestigates@aol.com

Susan V.
Lithonia, GA
6 friends
31 reviews
19 photos

★★★★★ 9/17/2017

This Rick Magaha person is a professional scammer. Do Not do business with him. He stoled 53k from us and we are suing

R V.
Lawrenceville, GA
0 friends
7 reviews
1 photo

★★★★★ 6/27/2017

📌 First to Review

Do Not hire this company or the owner Rick McGaha for ANYTHING. He was hired for work at my neighbor's and I's house that was never completed or started...he refuses to refund our deposits that amount to many tens of thousands of dollars.



Find

Near

R & M Design Group, LLC

[View full business profile >](#)

2 Customer Reviews

Sort By

What do you think? Add your review.



Tell us what you think!

8920 Eves Rd STE 767788
Roswell, GA 30076

<http://www.rmdgatl.com/>

Email this Business

(678) 454-4540



A G



12/03/2018

Rip off company. did not deliver as promised. He (Rick M*****) disappeared with money paid, he is no where to be found, none of his phone numbers work including that of his assistant Carol. He comes across and a wholesome, southern gentleman. BE AWARE!!!



Walter M.



01/05/2018

How long should it take to build a simple detached two car garage? Many have told me about 3 months, definitely not more than 6 months. 16 MONTHS later, all I have in my ripped up back yard is a plywood structure, which has been exposed to the elements for over 6 months now to the point where some of the wood may need to be replaced. Issues include: Two failed footing/foundation inspections Three failed framing inspections One failed fire inspection report Follow up communications were often incoherent, unreliable, and delayed Be very careful before hiring R&M Design Group. My experience is one of the worst I've ever been through. Lessons learned when working with contractors: No large down payments (in my case, he asked for 50% up front) Instead, make smaller payments as sub tasks (electrical, framing, etc.) are completed AND pass inspection.

Accreditation

THIS BUSINESS IS NOT
BBB ACCREDITED

Years in
Business: 7

BBB Rating

A+

Customer Reviews are not used in the calculation of BBB Rating

[Overview of BBB Ratings](#)

907533 - Illegal Tree Destruction/Removal

BA-201907533 Bookings/Action/In/Begin/Assign/Map

Opened Date: 09/11/2019 Closed Date:
 Closed by Department: Arborist Inspection Current Department:
 Closed by Staff: Greg Ihle Current User:

Assigned to Department: **Current Department** Arborist Inspection
 Assigned to Staff: **Current User** Greg Ihle

Job Value: 0.00 Total Fee Invoiced: 17,485.00 Total Pay: 9.00 Balance: 17,494.00
 Created By: ACA Created By: ACA

Application/Project Name: Illegal Tree Destruction/Removal
 Illegal Tree Destruction/Removal

Detailed Description: Illegal Tree Destruction/Removal

- ✓ 1) Water Oak, 38" dbh, located front right of property - rightside new driveway - severe impact to structural root plate/destroyed APRICES
- ✓ 2) Water Oak, 43" dbh, located front left of property - leftside new driveway - severe impact to structural root plate/destroyed X PICES
- ✓ 3) Unknown species, 21" dbh/stump, located back right corner of structure - removed ↓ Attached
- ✓ 4) Unknown species, 8" dbh/stump, located back rightside of property - removed ↓ DTH trees
- ✓ 5) Unknown species, 8" dbh/stump, located back rightside of property - removed ↓ Damage by lightning
- ✓ 6) Unknown species, 12" dbh/stump, located back rightside of property - removed
- ✓ 7) Unknown species, 8" dbh/stump, located back rightside of property - removed
- ✓ 8) Maple, 12" dbh/stump, located back leftside of property - removed
- ✓ 9) Unknown species, 15" dbh/stump, located back leftside of property - removed
- ✓ 10) Sweetgum, 12" dbh/stump, located back leftside of property - removed
- ✓ 11) Sweetgum, 19" dbh/stump, located leftside of structure - removed

check spelling

Fw: Tree inspection

Janice White

Wed 12/4/2019 7:14 AM

To: West End Print Shop <weprint@westendprintshop.com>

Please print two copies of email will pick up at 9am

----- Forwarded Message -----

From: Sandra Griffin <sgriffin61@outlook.com>

To: allpreppermit@yahoo.com <allpreppermit@yahoo.com>

Sent: Tuesday, November 19, 2019, 6:18:03 PM EST

Subject: Fwd: Tree inspection

Sent from my T-Mobile 4G LTE Device

Get [Outlook for Android](#)

From: Sandra Griffin <sgriffin61@outlook.com>

Sent: Tuesday, November 19, 2019 11:03:01 AM

To: Sandra Griffin <sgriffin61@outlook.com>

Subject: Re: Tree inspection

 FYI...the two trees in front yard are in danger of falling need to be addressed ASAP.

Sent from my T-Mobile 4G LTE Device

Get [Outlook for Android](#)

From: Sandra Griffin

Sent: Tuesday, November 19, 2019 10:55:37 AM

To: allpreppermi@yahoo.com <allpreppermi@yahoo.com>

Subject: Tree inspection

 FYI...the rear of property had only one planted tree removed...the other 13 trees were wild trees that grow on there on ...the two trees located in the front yard are dead pouring that walk way didnot kill those trees.

Sent from my T-Mobile 4G LTE Device

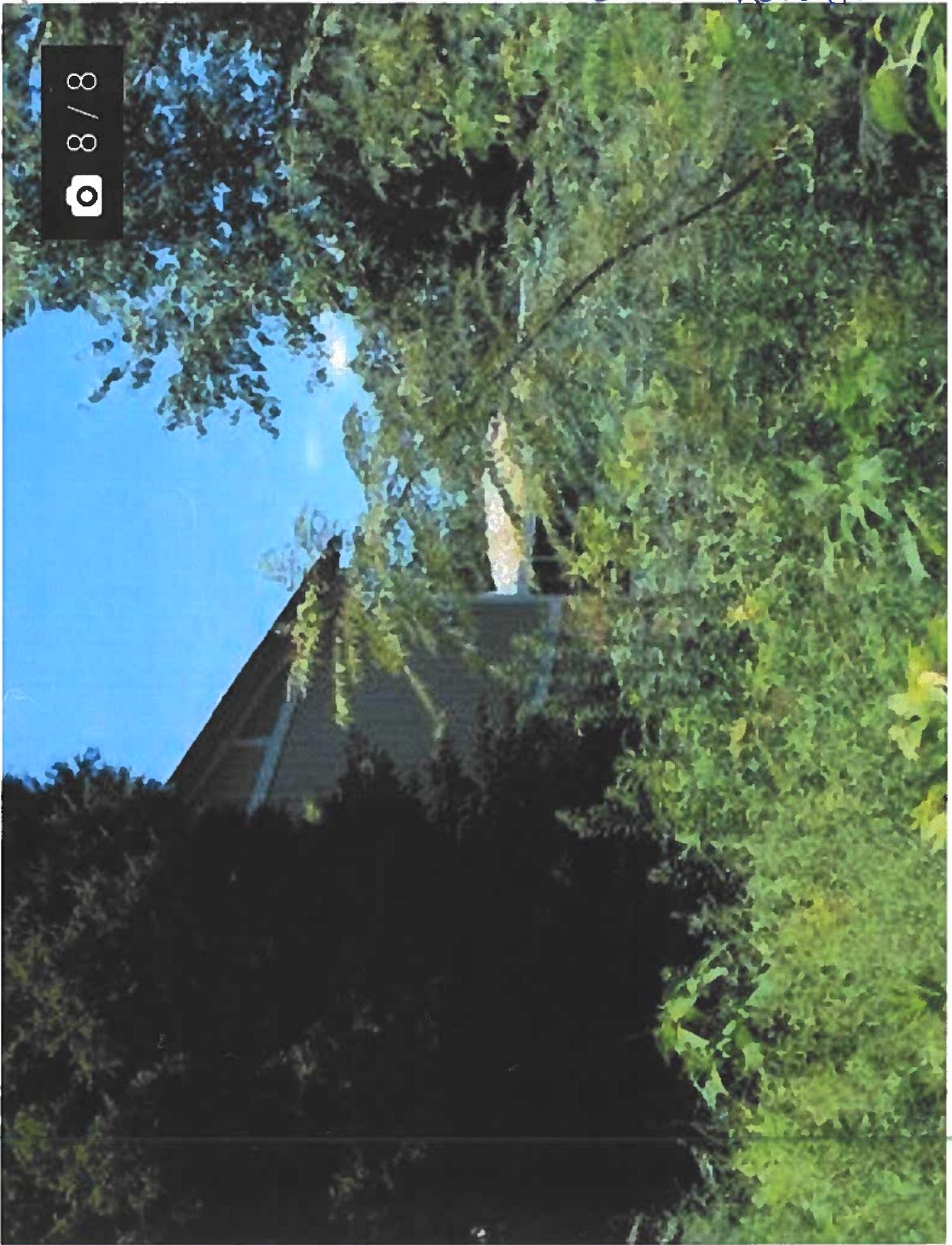
Get [Outlook for Android](#)

4

5

OVERGROWTH

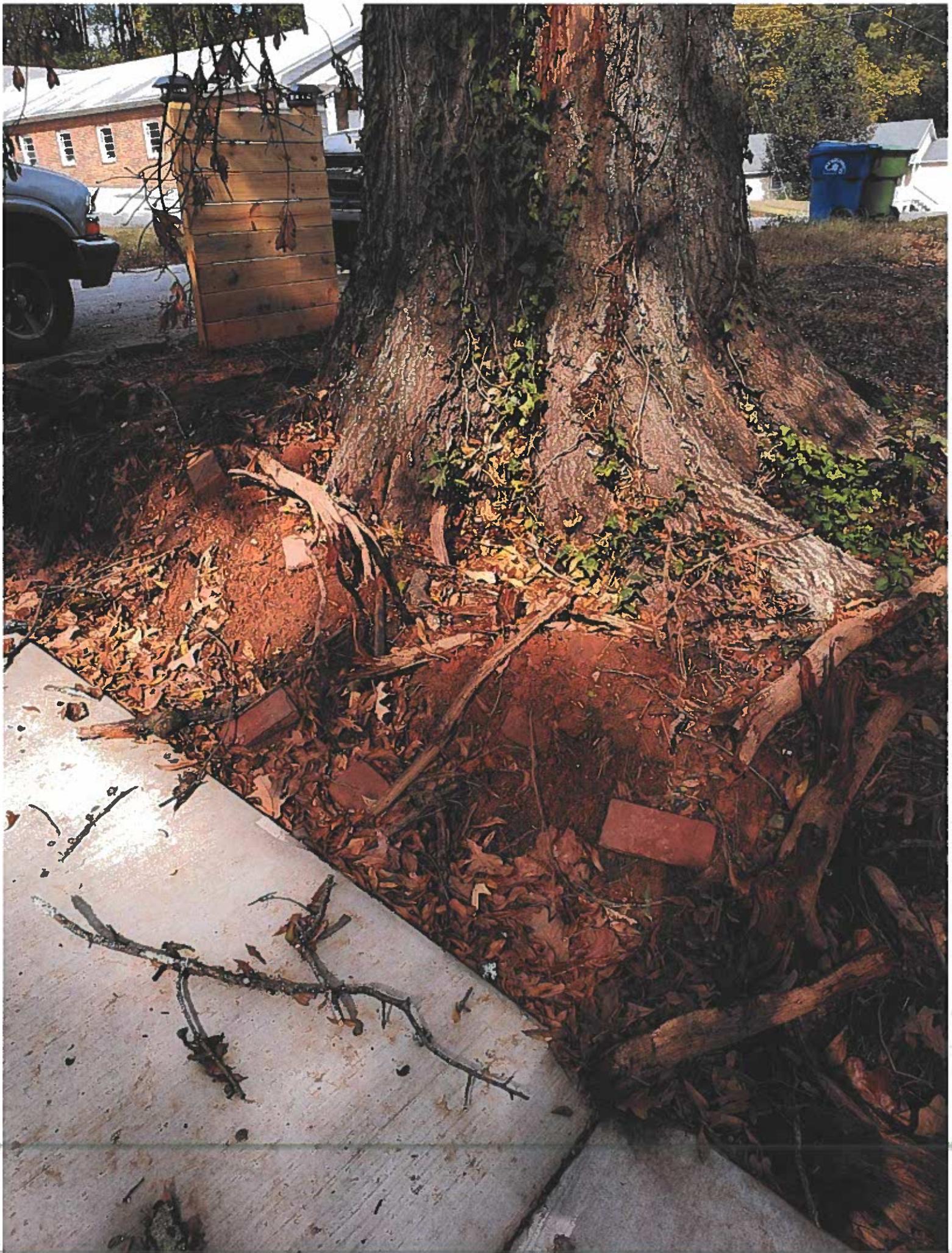
8 / 8







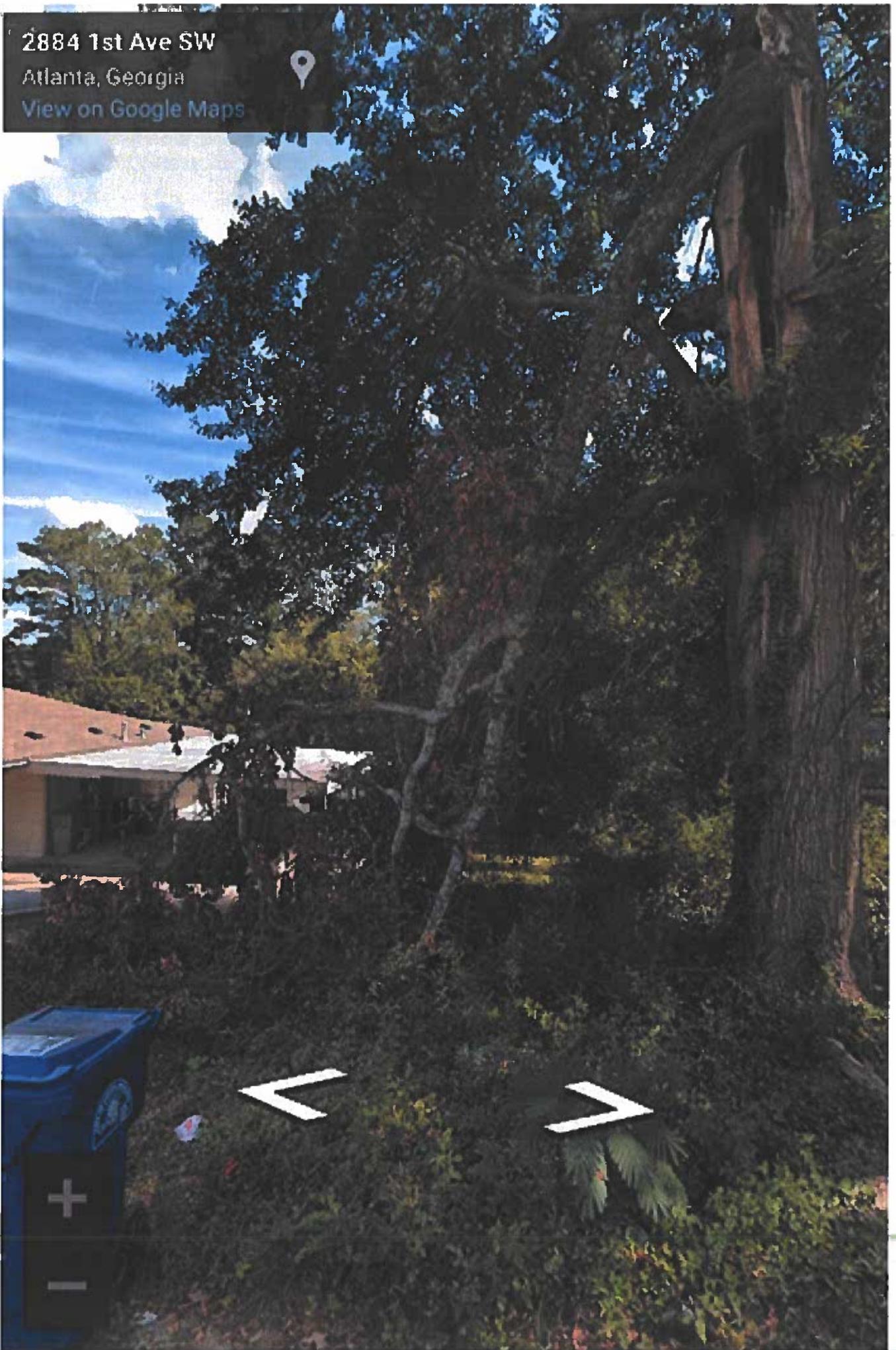


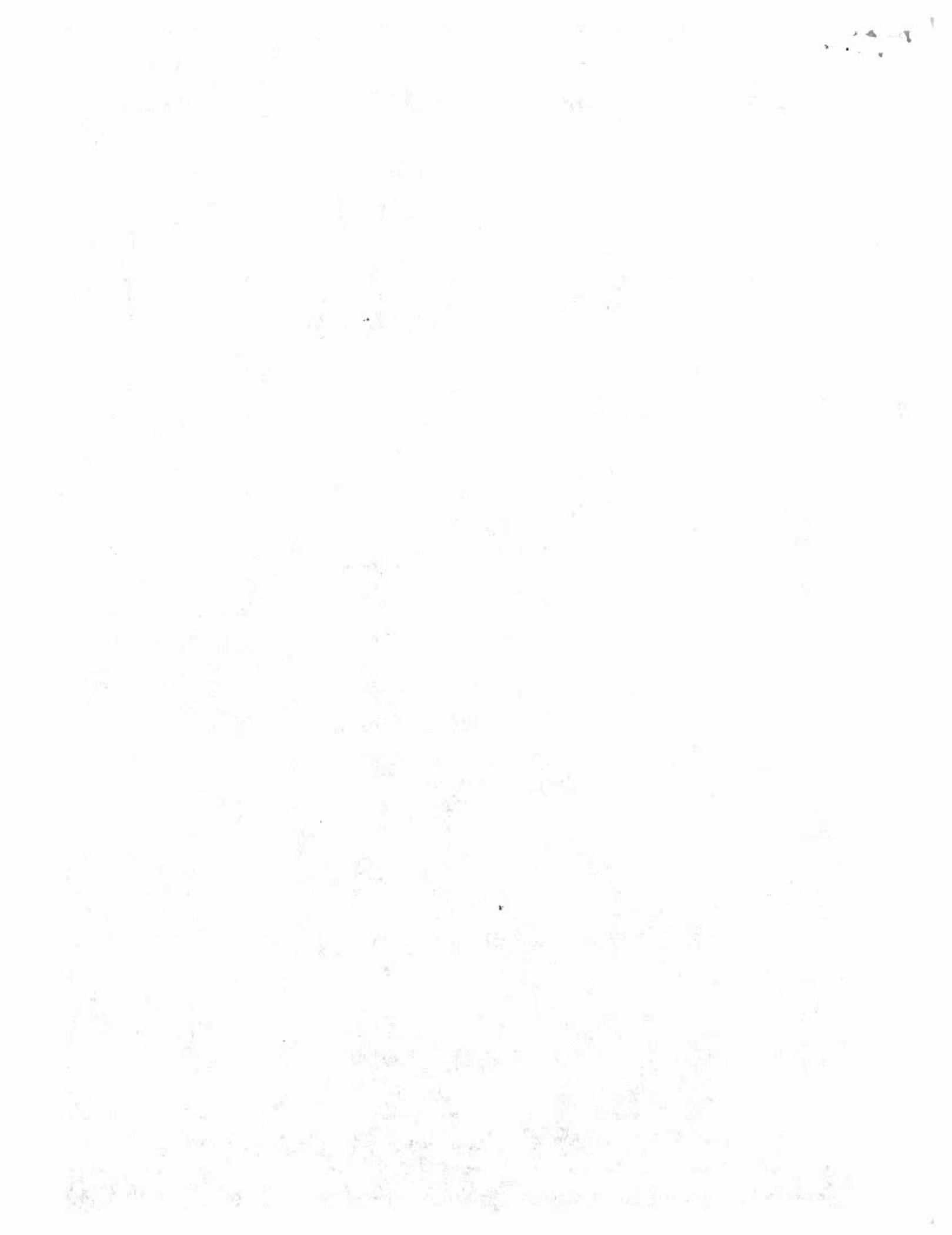


2884 1st Ave SW
Atlanta, Georgia
[View on Google Maps](#)



32" Hardwood





All Prep PERMIT Service

1854 Virginia Ave
Ste. 2
College Park, Ga. 30337
Office [404] 964-5922

ANSWERS TO TREE CONSERVATION COMMISSION

MEETING: JANUARY 22, 2020

PROPERTY ADDRESS: 2884 1st STREET ATLANTA GEORGIA

1. Copy of Building Permit: Date Issued July 22, 2019
BB-201905699
2. Copy of Contract Owner Hussain Karmally and H & M
Remodeling Group
3. Pictures of trees to the left and right of driveway showing DDH
from top of trees.....from lighting
4. Picture of tree against the home destroying the foundation
5. Picture of existing driveway of property before repair
6. Picture of property showing wild growth of property



CITY OF ATLANTA BUILDING PERMIT

55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30303
OFFICE OF BUILDINGS : (404) 330-6150 INSPECTIONS: (404) 658-6800

PERMIT NUMBER: BB-201905699

DATE ISSUED: July 22, 2019

PROJECT ADDRESS: 2884 1ST AVE SW	PARCEL NUMBER: 14 00930004178
PROJECT NAME: KARMALLY PORCH & RENOVATION - XPRS	ZONING: R-4
BUILDING NAME:	TOTAL CONSTRUCTION COST: \$40,000.00
PROJECT OCCUPANCY GROUP:	TOTAL DWELLING UNITS: 0
TYPE OF CONSTRUCTION:	SPACE FLOOR AREA: 1025
SPRINKLER TYPE:	
SCOPE: R1 Single Family Residence - Building/Residential/Alteration/NA - New bath fixtures, interior finishes to kitchen, and master suite. New sheetrock, flooring, and new front porch with roof.	
OWNER: HUSSAIN KARMALLY	CONTRACTOR: HOMEOWNER ATLANTA, GA LICENSE #: EXEOWN

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited. Demolition Permits are limited to 60 days.

The recipient of the building permit shall post a copy of same on a sign not less than six square feet with the words "Notice of Issuance of Building Permit" in letters not less than four inches high in a conspicuous place on the effected property so that the sign and permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the issuance of the building permit and shall not be removed for 30 days. The recipient of the building permit shall also file a notarized affidavit with the Clerk of Council certifying under penalty of perjury the date on which the sign required in the above paragraph was posted.

Ordinance 00-O-1664/Z-00-88 Jan 25, 2001

I, the applicant, acknowledge that all statements for this permit are true to the best of my knowledge, and that the work to be done thereon is authorized by the owner.

Applicant's Name

Applicant's Signature

Date

INSPECTION TYPE	PASS	FAIL	PASS	FAIL	PASS	FAIL
FOOTING						
FRAMING						
INSULATION						
ELECTRICAL (Rough)						
ELECTRICAL (Final)						
MECHANICAL (Rough)						
MECHANICAL (Final)						
PLUMBING (Rough)						
PLUMBING (Final)						
SPRINKLER (Rough)						
SPRINKLER (Final)						
ARBORIST (Final)						
SITE & GRADING DEVELOPMENT (Final)						
BUILDING FINAL:						

H & M Remodeling Group

2300 Holcomb Bridge Rd
 Suite # 103 Box 292
 Roswell, GA 30076
 Office: 470-369-7841
 hmremodeling group@gmail.com

CONTRACT

Date	Invoice #
7/11/2019	387

INVOICE MUST BE SIGNED AND FAXED TO 678-454-4541 OR
 EMAILED TO hmremodelinggroup@gmail.com
 BEFORE JOB CAN BE STARTED:

Contractor Lic# 17037331

Balance is due upon completion: We accept Checks or Cash. * A Service Charge of \$75 on returned checks*

Name and Address
Rustic 2 Realty LLC Hussain Karnally 408-338-5035

Customer Contact	Customer Alt. Phone	Customer Fax	Customer E-mail
			rustic2reality@gmail.com

Quantity	Description	Rate	Amount
	JOB: 2884 First Ave. SW Atlanta, GA 30315 Pull Permits (building, electrical, plumbing, HVAC) Do Drawings Rough in (electric, plumbing , HVAC) Install 3ton system with duct work Frame (turn 2 bedrooms into Master Suite with bathroom) Install new roof Install front porch Repair driveway Install insulation in walls & ceiling Shetrock, mud, tape & sand Paint interior & exterior Install doors, trim & baseboard Install lighting Install new cabinets & countertops Tile backsplash in kitchen Redo bathrooms (tub/shower combo, vanity with sink, toilet) Tile bathrooms Repair & refinish hardwood floors Carpet bedrooms		

<p>** H & M Remodeling Group, LLC requires a credit card on file for all CUSTOM MADE JOBS. If an outstanding invoice(s) are not paid when the job is completed, the amount due may be charged on the credit card, unless prior arrangements have been made. ** All CUSTOM MADE JOBS must be cancelled within 3 days in writing after signing the estimate. Customer will be responsible for all charges incurred (material, etc). ** Invoices must be paid in full upon completion of job. **Customer agrees that all materials installed and provided by H & M Remodeling Group remains the property of HMRG until paid in full. ** H & M Remodeling Group reserves the right confiscate all material provided and install by HMRG, if customer refuses to remitt payment in full. ** Customer agree if an Attorney deem necessary for collection of payment and or materials. including but not limited to all Attorney fees incurred, will be the full responsibility of the Customer</p>	Subtotal 71,500.00
	Sales Tax (0.0%)
	Total 71,500.00

GEORGIA LAW CONTAINS IMPORTANT REQUIREMENTS
 YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT OR OTHER ACTION FOR
 DEFECTIVE CONSTRUCTION AGAINST THE CONTRACTOR WHO CONSTRUCTED, IMPROVED, OR REPAIRED YOUR HOME. NINETY DAYS BEFORE
 YOU FILE YOUR LAWSUIT
 OR OTHER ACTION, YOU MUST SERVE ON THE CONTRACTOR A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE
 DEFECTIVE. UNDER THE LAW,
 A CONTRACTOR HAS THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS OR BOTH. YOU ARE NOT OBLIGATED TO
 ACCEPT ANY OFFER MADE BY A CONTRACTOR. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW
 THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR OTHER ACTION

H & M Remodeling Group

2300 Holcomb Bridge Rd
 Suite # 103 Box 292
 Roswell, GA 30076
 Office: 470-369-7841
 hmremodeling group@gmail.com

CONTRACT

Date	Invoice #
7/11/2019	387

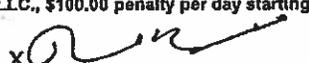
INVOICE MUST BE SIGNED AND FAXED TO 678-454-4541 OR
 EMAILED TO hmremodelinggroup@gmail.com
 BEFORE JOB CAN BE STARTED:

Contractor Lic# 17037331

Balance is due upon completion: We accept Checks or Cash. * A Service Charge of \$75 on returned checks*

Name and Address
Rustic 2 Realty LLC Hussain Karmally 408-338-5035

Customer Contact	Customer Alt. Phone	Customer Fax	Customer E-mail
			rustic2reality@gmail.com

Quantity	Description	Rate	Amount
	Install water heater Install blind & door hardware Landscaping Build & Install 5 ft tall Wood Privacy Fence 4 x 4 posts 1 x 6 pickets 2 x 4 Rails All Pressure Treated Wood Repair Cost = \$66,500 + Management Fee \$5,000 = 71,500 which will be paid in 4 - Draws 1st Draw = 17,875 - 7/15/2019 - Start Date 2nd Draw = 17,875 - 8/15/2019 3rd Draw = 17,875 - 9/15/2019 4th Draw = 17,875 - 10/15/2019 - Finish Date H&M Remodeling Group will provide photos and receipts every Saturday by noon. Job Start Date: 7/15/2019 Completion Date: 10/15/2019 NOTE: H&M Remodeling Group MUST complete the job no later than 10/15/2019 - Noon, If the job is not completed by 10/15/2019 - Noon, H&M Remodeling Group will pay to Rustic 2 Realty LLC., \$100.00 penalty per day starting 10/16/2019 until the job is completed.		
	 Rustic 2 Realty LLC	 H&M Remodeling Group	

** H & M Remodeling Group, LLC requires a credit card on file for all CUSTOM MADE JOBS. If an outstanding invoice(s) are not paid when the job is completed, the amount due may be charged on the credit card, unless prior arrangements have been made. ** All CUSTOM MADE JOBS must be cancelled within 3 days in writing after signing the estimate. Customer will be responsible for all charges incurred (material, etc). ** Invoices must be paid in full upon completion of job. ** Customer agrees that all materials installed and provided by H & M Remodeling Group remains the property of HMRG until paid in full. ** H & M Remodeling Group reserves the right confiscate all material provided and install by HMRG, if customer refuses to remitt payment in full. ** Customer agree if an Attorney deem necessary for collection of payment and or materials. including but not limited to all Attorney fees incurred, will be the full responsibility of the Customer	Subtotal	71,500.00
	Sales Tax (0.0%)	\$0.00
	Total	71,500.00

GEORGIA LAW CONTAINS IMPORTANT REQUIREMENTS
 YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT OR OTHER ACTION FOR
 DEFECTIVE CONSTRUCTION AGAINST THE CONTRACTOR WHO CONSTRUCTED, IMPROVED, OR REPAIRED YOUR HOME. NINETY DAYS BEFORE
 YOU FILE YOUR LAWSUIT
 OR OTHER ACTION, YOU MUST SERVE ON THE CONTRACTOR A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE
 DEFECTIVE. UNDER THE LAW,
 A CONTRACTOR HAS THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS OR BOTH. YOU ARE NOT OBLIGATED TO
 ACCEPT ANY OFFER MADE BY A CONTRACTOR. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW
 THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR OTHER ACTION



STATE OF GEORGIA

Brian P. Kemp, Secretary of State
Board for Residential and General Contractors
Residential Basic Individual

License No. RB1000898

Status: Active

Jerry Lynn Goldsmith
1302 Greenbriar Drive
Griffin GA 30223

Issued: 4/22/2008

Expires: 6/30/2020



Real-time license verification is available at sos.georgia.gov/PLB

DRIVER'S LICENSE

Commissioner Nathan Deal

DL NO. 032787968
CLASS C

DOB 11/13/1961
EXP 11/13/2024

JERRY LYNN
GOLDSMITH

COMMISSIONER *Bert Beasley*



1302 GREENBRIAR DR
GRIFFIN, GA 30223-1316
SPALDING

Restrictions B

End NONE

iss 11/10/2016

Sex M

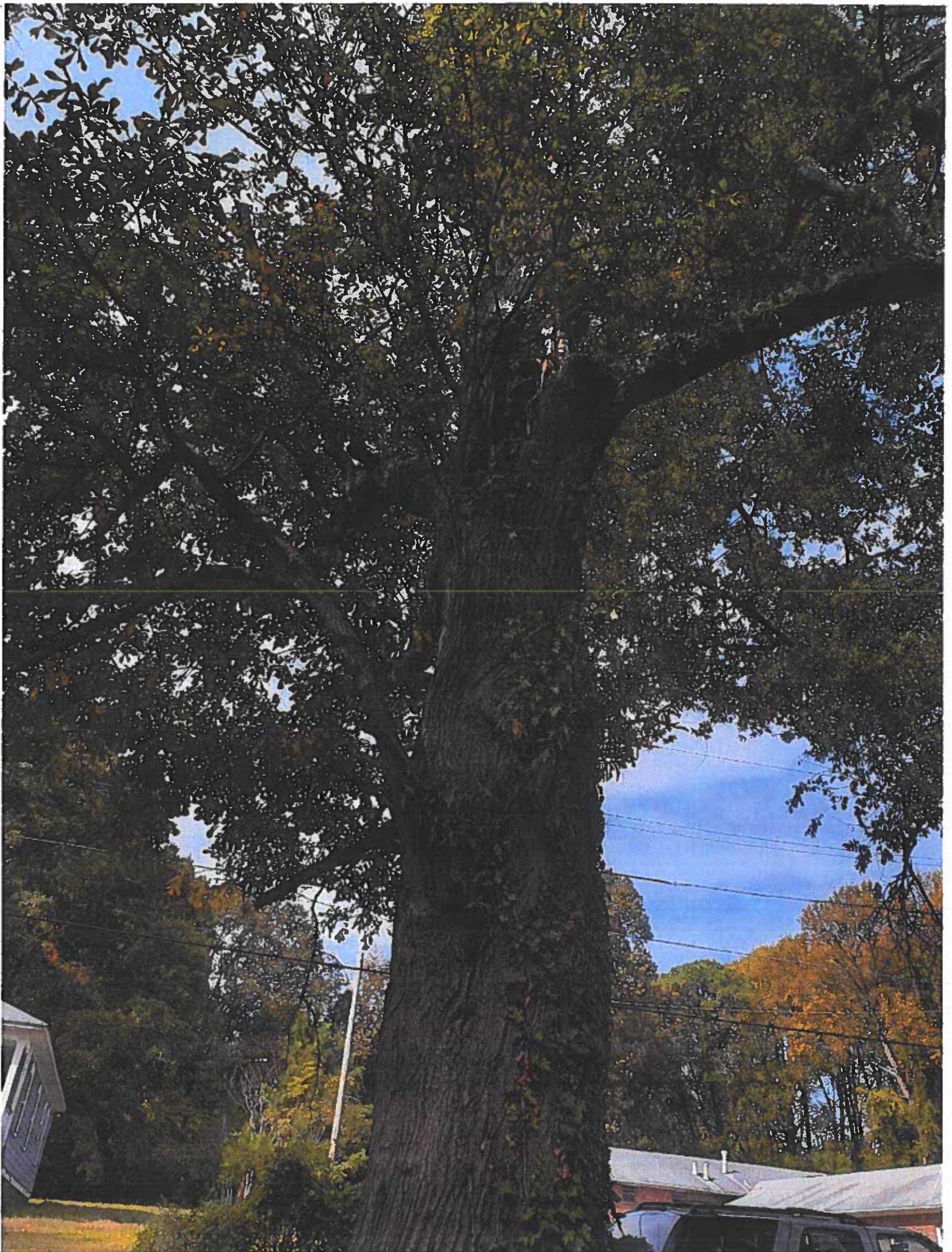
Eyes BRO

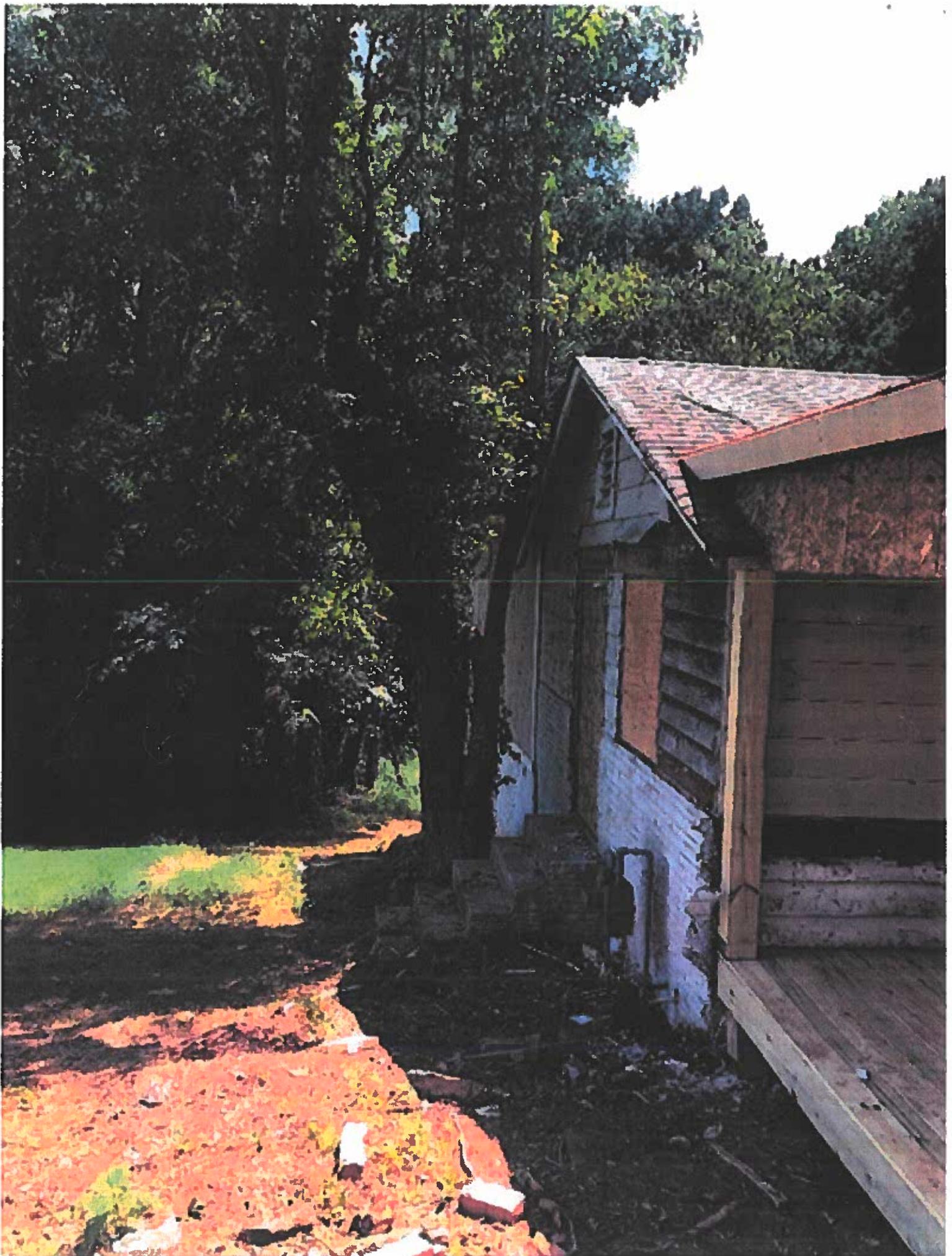
Hgt 5'-08" Wgt 240 lb

DD 289218821350064593

Jerry Lynn Goldsmith









Existing Driveway ↘



Overgrowth









Department of
CITY PLANNING

RECEIVED
DEC 16 2019
BY: _____

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 FORM
Appeal of Decision of Administrative Official Regarding Trees

Date filed:	09/16/2019	Appeal Number: (Office use only)	2019-10600
-------------	------------	----------------------------------	------------

Description of Property			
Street Address:	1523 Park Rd SE, Atlanta, Ga 30315		<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input type="checkbox"/> SW
Land Lot: (if available)		County: Fulton	
District: (if available)	Bentley Park	Council District: (if available)	NPU: (if available)

Appellant(s) Information List all appellants with name, address and phone number (attach page as needed)			
Appellant 1:	Robert T. Burke Jr.		
Address:	1523 Park Rd SE		<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input type="checkbox"/> SW
City:	Atlanta	Zip:	30315
Email:	rburke@onesobo.com	Phone:	4047755968
Appellant 2:	Mai-Lynn Burke		
Address:	1523 Park Rd SE		<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW
City:	Atlanta	Zip:	30315
Email:	mburke@onesobo.com	Phone:	4047751672
Property Owner Information (if known)			
Owner Name:	Robert T. Burke Jr.		
Owner Address:	1523 Park Rd SE		<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input type="checkbox"/> SW
Owner Email:	rburke@onesobo.com	Owner Phone:	4047755968

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 \$ <u>1,050</u></p> <p>b) Fee \$ _____ (Illegal recompense)</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 checked="" 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>
--	--



Department of
CITY PLANNING

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

<p>2. Have you obtained the relevant permits for your proposed project? Building permit, land disturbance permit, variance permit, etc.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p>
<p>3. What is the specific decision (and date of the decision if known) of the City Arborist you are appealing?</p> <p>Decision to fine us for tree removal. Tree was removed due to danger to children in yard. We attempted to cut Ivy off of tree to save it. Tree still continued to lose limbs. Limb almost fell on child's head.</p>	
<p>4. What decision(s) do you want the Tree Conservation Commission to make?</p> <p>To pardon us and remove the fine. See attached photos.</p>	
<p>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.</p>	
<p>6. Briefly summarize the proposed activities on the property.</p> <p>Ivy covered tree became a danger to children. Tree limbs began to fall on yard. Removed after fall.</p>	
<p>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.</p>	
<p>8. Please provide complete written explanation if not covered in responses to questions above. (Attach additional pages as needed.)</p> <p>See explanation and photos attached.</p>	

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

RAB

Appellant or Agent for Appellant

09/16/2019

Date

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

 FW: Application BA-201910077 (TREE REMOVED WAS DANGER TO CHILDREN)



Mai-Lynn Burke

Saturday, December 14, 2019 at 1:55 PM

arborist dpzd@atlantaga.gov

[Show Details](#)

 IMG_1844.JPG
2.4 MB

 IMG_1033.JPG
1.8 MB

 IMG_0244.JPG
6.3 MB

[Download All](#)

[Preview All](#)

From: Mai-Lynn Burke <mburke@onesobo.com>

Date: Saturday, December 14, 2019 at 1:53 PM

To: Robert Burke <rburke@onesobo.com>, "kacyans@atlantaga.gov" <kacyans@atlantaga.gov>

Cc: "tleen@atlantaga.gov" <tleen@atlantaga.gov>

Subject: Application BA-201910077 (TREE REMOVED WAS DANGER TO CHILDREN)

Mrs. Evans,

This is Robert and Mai-Lynn Burke. We are the owners of 1523 Park Rd SE, Atlanta, GA 30315. We also own a business based here in the city of Atlanta that we are proud to say employs over a dozen people, many of who also live in the city. We care deeply about this city. We are emailing you in regard to a tree which we removed from our backyard. I have attached pictures of this tree. It is the one totally covered in Green Ivy. As you can see from the photos the tree was visibly in great distress and soon this tree became a real danger to the children in our home and our neighbors' children.

Initially, we tried to save both the trees (pictured) by cutting the ivy off of them. One was successfully saved (as seen in the photos) however the other was simply covered in far too much ivy and no matter our efforts to help the tree it was to no avail. The limbs continued to fall off of this particular tree onto our backyard. One evening my sister was outside watering the grass when a limb fell within a few inches of her. Thankfully she was not harmed but because of that incident we decided to remove it.

We have since been fined \$1,050.00. We were not aware whatsoever that we needed a permit of some sort to remove this tree. If we were aware of this, we would have attempted to retrieve the permit immediately. That is why we have decided to write you in order to submit an appeal as instructed in our letter from the City of Atlanta's Arborist division. Again, this tree was indeed a sincere danger to my little sister, our ten-month old son and our neighbors' children who are often outside in the backyard tending to the grass and playing there. Thank you for your consideration in this matter. I know you are very busy working on many different issues and we sincerely appreciate your time and effort.

Thanks,

Mai-Lynn Burke

Manager, People & Culture









INVOICE



CITY OF ATLANTA
55 TRINITY AVE SW

Application: **BA-201910600**
Application Type: Building/Arborist/Appeal/NA
Address: 1523 PARK RD SE
ATLANTA, GA 30315

Applicant Name: ROBERT T BURKE JR
Phone: 4047755968
E-mail: RBURKE@ONESOBO.COM

<u>Description</u>	<u>Amount Due</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Account Number</u>
ARBORIST APPEAL ADMIN FEE	\$75.00	12/17/2019	1058737	7701 250101 3710000000
Sub Total				
	\$75.00			

Owner Info: BAILEY RANCE

Work Description: APPEAL

FINES FOR ILLEGAL DESTRUCTION

Related CAPS:

Total Fees: **\$75.00**



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 FORM
Appeal of Decision of Administrative Official Regarding Trees

Date filed:	December 18, 2019	Appeal Number: (Office use only)	2019-10656
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Description of Property			
Street Address:	2468 Edwards Drive	<input type="checkbox"/> NE <input checked="" 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)

Appellant(s) information List all appellants with name, address and phone number (attach page as needed)			
Appellant 1:	Carlton Bailey		
Address:	3159 Justice Mill Court	<input type="checkbox"/> NE <input checked="" type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:	Kennesaw	Zip:	30144
Email:	baileyc823@gmail.com	Phone:	678-536-7831
Appellant 2:	Crystal Bailey		
Address:	3159 Justice Mill Court	<input type="checkbox"/> NE <input checked="" type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:	Kennesaw	Zip:	30144
Email:	baileyc823@gmail.com	Phone:	678-536-7831
Property Owner Information (if known)			
Owner Name:	Carlton and Crystal Bailey		
Owner Address:	2468 Edwards Drive	<input type="checkbox"/> NE <input checked="" type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
Owner Email:	baileyc823@gmail.com	Owner Phone:	678-536-7831

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 \$ <u>12,500</u></p> <p>b) Fee \$ <u>9,310</u> (Illegal recompense)</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 checked="" type="checkbox"/> Appeal of fines for unpermitted removal or destruction of trees.</p> <p><input checked="" 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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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

<p>2. Have you obtained the relevant permits for your proposed project? Building permit, land disturbance permit, variance permit, etc.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<p>3. What is the specific decision (and date of the decision if known) of the City Arborist you are appealing? On June 10, 2019 we received a letter from the City of Atlanta indicating a fine and recompense fee of \$21,810 for the illegal destruction of 10 trees at 2468 Edwards Drive Atlanta, GA 30318.</p>	
<p>4. What decision(s) do you want the Tree Conservation Commission to make? We would like to collaborate with the city on a plan to replant the trees in question as the decision to cut down the trees was based on misguided information that was misinterpreted by or communicated to us. Based on such efforts, we hope to reduce the fine and recompense fees due to the city as a result of this happening. We have included a revised site plan with a tree planting proposal to replace the trees and are open to replanting at other locations based on the advice of the commission.</p>	
<p>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. N/A</p>	
<p>6. Briefly summarize the proposed activities on the property. In May of 2019, we were given advice by a potential builder to cut down the trees that would inhibit our ability to complete the building of our home on the property. We were told that as long as the trees were inhibiting the build we could cut them down and explain our reasoning during the site plan approval process with the city of Atlanta. Had we known about the correct procedures to follow we would have been happy to request permission from the city as required.</p>	
<p>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. Paying such fines would inhibit our ability to finance the build of our home and we'd like to if possible redirect any contributed funds to replant the destructed trees or collaborate with the city on other means of reconciliation. We've included a revised site plan with a proposal to replant trees on the property. However, we'd like to collaborate with the commission on what is most beneficial to the city and feasible for us. We are open to consideration of planting trees at other locations.</p>	
<p>8. Please provide complete written explanation if not covered in responses to questions above. (Attach additional pages as needed.)</p>	

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

Cynthia Bailey
Appellant or Agent for Appellant

December 18, 2019
Date

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



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 FORM
Appeal of Decision of Administrative Official Regarding Trees

Date filed:	10/14/19	Appeal Number: (Office use only)	2019-08301
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Description of Property			
Street Address:	335 Eppington Drive	<input type="checkbox"/> NE <input checked="" 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)

Appellant(s) information List all appellants with name, address and phone number (attach page as needed)			
Appellant 1:	Chris Statham		
Address:	3861 Stratford Park Drive	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:	Atlanta GA	Zip:	30342
Email:	CStatham001@gmail.com	Phone:	917 864 6206
Appellant 2:			
Address:		<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:		Zip:	
Email:		Phone:	

Property Owner Information (if known)			
Owner Name:	Chris Statham		
Owner Address:	3861 Stratford Park Drive	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
Owner Email:	CStatham001@gmail.com	Owner Phone:	917 864 6206

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 \$ <u>2500</u></p> <p>b) Fee \$ <u>1410</u> (Illegal recompense)</p>	<p>1. What is the basis of your appeal? Check all that apply.</p> <p><input checked="" 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 checked="" type="checkbox"/> Appeal of fines for unpermitted removal or destruction of trees.</p> <p><input checked="" 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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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

2. Have you obtained the relevant permits for your proposed project? Building permit, land disturbance permit, variance permit, etc. Yes
 No
 NA

3. What is the specific decision (and date of the decision if known) of the City Arborist you are appealing?
Illegal destruction of 3 Trees - 2 trees not on Survey

4. What decision(s) do you want the Tree Conservation Commission to make?
Reverse the decision

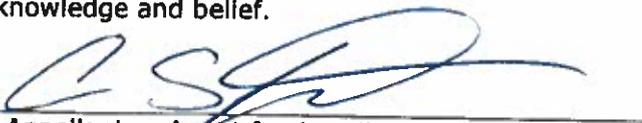
5. If there are other responsible parties (e.g. tree company, builder, landscape company, other) please provide contact information below. Please attach copies of any relevant invoices, cancelled checks, etc.
Survey Systems Atlanta 770-558-7895

6. Briefly summarize the proposed activities on the property.
This is a demo and rebuild.

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.)
The permitting process started in 2018 with the Survey being done in late 2018. There were multiple City Arborists at the site prior to demo + rebuild working through various issues. One tree identified as illegally destroyed is 6 inches now and would have been properly excluded from the Survey in 2018. One other tree is on the property boundary where another new home is being built, and was already likely destroyed.

I hereby swear that all statements herein and attached herein are true and correct to the best of my knowledge and belief.
3rd tree is our fault and we agree with fine for the 1 tree.


Appellant or Agent for Appellant

10/14/19
Date

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



Chris Statham <cstatham001@gmail.com>

335 Eppington Illegal Tree Destruction Invoice

Ernest, Jason Y. <JYErnest@atlantaga.gov>
To: "cstatham001@gmail.com" <cstatham001@gmail.com>

Wed, Oct 2, 2019 at 3:11 PM

Chris,

Sure,
21" Water oak at back right
10" Maple on the right side
6" Cherry on the right side

The 21" oak was shown as saved on the plan
and the other two were missed on the initial survey and were not shown on the plan.

I'll email you a few pictures as well

Regards,
Jason Ernest
Field Arborist - NW District
City of Atlanta
O:404 330 6079
C:404 273 3134

[Quoted text hidden]



Chris Statham <cstatham001@gmail.com>

335 Eppington pics

1 message

Ernest, Jason Y. <JYErnest@atlantaga.gov>
To: "cstatham001@gmail.com" <cstatham001@gmail.com>

Wed, Oct 2, 2019 at 3:14 PM

6 attachments



IMG_0730.JPG
188K



IMG_0732.JPG
194K



IMG_0734.JPG
172K

 ATT00001.txt
1K

 ATT00002.txt
1K

 ATT00003.txt
1K

INVOICE



CITY OF ATLANTA
55 TRINITY AVE SW

Application: **BA-201908301**
Application Type: Building/Arborist/Illegal Activity/NA
Address: 335 EPPINGTON DR NW
ATLANTA, GA 30327

Applicant Name:
Phone:
E-mail:

<u>Description</u>	<u>Amount Due</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Account Number</u>
ILLEGAL RECOMPENSE	\$1,410.00	10/02/2019	1042954	7701 250101 3710001
PENALTY (known trees)	\$2,500.00	10/02/2019	1042954	7701 250101 3710000000

Sub Total \$3,910.00

Owner Info: **MC CLATCHEY DEVERAUX F**

Work Description: Fines and Fees for the illegal destruction of 3 trees totaling 37" DBH

Related CAPS:

Total Fees: \$3,910.00





ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

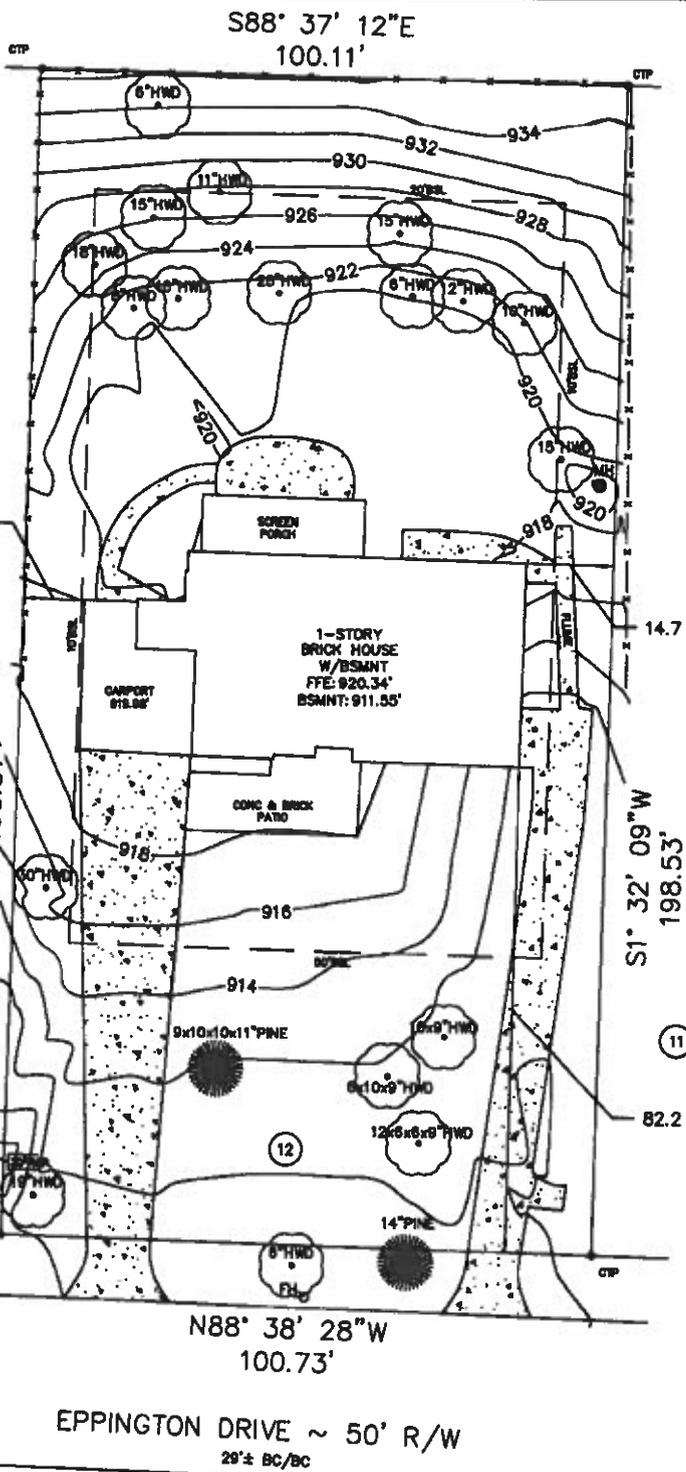
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

PORTIONS OF THIS PLAN ARE SCHEMATIC IN NATURE AND HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEYING METHODS. NO RELIANCE UPON THE ACCURACIES OF THE SIZE, SHAPE NOR LOCATION OF THE PLANIMETRICS SHOWN HEREON SHALL BE AFFORDED IN ANY MANNER.

THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRUPLINE).



- * LEGEND ***
 NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT. AKA ALSO KNOWN AS
 APD AS PER DEED
 APP AS PER PLAT
 BSL BUILDING (SETBACK) LINE
 CP COMPUTED POINT
 CTP CRMP TOP PIPE FOUND
 D DEED (BOOK/PAGE)
 DW DRIVEWAY
 EP EDGE OF PAVEMENT
 FFE FINISH FLOOR ELEVATION
 FKA FORMERLY KNOWN AS
 HND HARDWOOD TREE
 IFF IRON PIN FOUND
 L ARC LENGTH
 LL LAND LOT
 LLL LAND LOT LINE
 N NEIGHBOR'S
 N/F NOW OR FORMERLY
 NAIL NAIL FOUND
 P PLAT (BOOK/PAGE)
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 R RADIUS LENGTH
 R/W RIGHT-OF-WAY
 RFB REINFORCING BAR FOUND
 RBS 1/2" REINFORCING BAR SET
 SW SIDEWALK
 SSCO SANITARY SEWER CLEAOUT
 SSE SANITARY SEWER EASEMENT
 -X- FENCE LINE

PROPERTY ADDRESS:
 335 Eppington Dr NW
 Atlanta, GA 30327

LAND AREA:
 19938 SF
 0.458 AC

IMPERVIOUS AREA:
 EXST= 5781 SF=28.9%

ZONING: R-3

0 20
 SCALE 1" = 20'

PLAT PREPARED FOR: G B PARTNERS	
LOT 12 SUBDIVISION EPPINGTON FOREST	
LAND LOT 137 17th DISTRICT	
FULTON COUNTY, GEORGIA	BY:
LOCATED IN ATLANTA	TH
REFERENCE: CADASTRAL p003989	TW
FIELD DATE: 9-27-2017	
DRAWN DATE: 9-28-2017	
ALL MATTERS OF TITLE ARE EXCEPTED - NOT FOR RECORDING	
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 101961 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.	
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.	

SURVEY SYSTEMS & ASSOC., INC.
 857 Lake Drive, Snellville, GA 30039 ~ COA # LSF000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM
 CELL 770-558-7885 ~ OFFICE 404-760-0010

General Landscape Notes

1. TREE PROTECTION SHALL COMPLY WITH ALL CITY OF ATLANTA ORDINANCES AND STANDARDS. ALL TREE PROTECTION SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. ALL TREE PROTECTION SHALL BE REMOVED AND REPAIRED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION. ALL TREE PROTECTION SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. ALL TREE PROTECTION SHALL BE REMOVED AND REPAIRED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
2. TREE PROTECTION SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. ALL TREE PROTECTION SHALL BE REMOVED AND REPAIRED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
3. TREE PROTECTION SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. ALL TREE PROTECTION SHALL BE REMOVED AND REPAIRED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.

RELEASE FOR CONSTRUCTION

24 HOUR EMERGENCY CONTACT: CHRIS STATHAM 917-864-6206

Tree Inventory / Calculations:

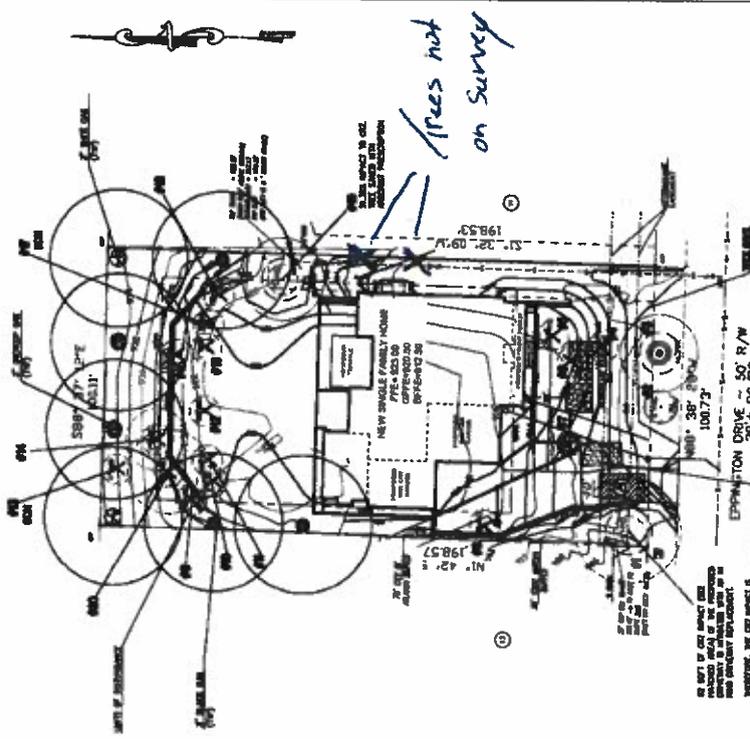
NO.	DATE	TYPE	SIZE	STATUS	REMARKS
1	01/15/2024	Maple	12"	Save	12" DBH Maple
2	01/15/2024	Oak	18"	Save	18" DBH Oak
3	01/15/2024	Pine	10"	Save	10" DBH Pine
4	01/15/2024	Yucca	12"	Save	12" DBH Yucca
5	01/15/2024	Juniper	8"	Save	8" DBH Juniper
6	01/15/2024	Redwood	14"	Save	14" DBH Redwood
7	01/15/2024	Walnut	16"	Save	16" DBH Walnut
8	01/15/2024	Cherry	10"	Save	10" DBH Cherry
9	01/15/2024	Boxwood	6"	Save	6" DBH Boxwood
10	01/15/2024	Hydrangea	12"	Save	12" DBH Hydrangea
11	01/15/2024	Camellia	8"	Save	8" DBH Camellia
12	01/15/2024	Magnolia	14"	Save	14" DBH Magnolia
13	01/15/2024	Red Maple	10"	Save	10" DBH Red Maple
14	01/15/2024	White Oak	12"	Save	12" DBH White Oak
15	01/15/2024	Black Oak	14"	Save	14" DBH Black Oak
16	01/15/2024	Live Oak	16"	Save	16" DBH Live Oak
17	01/15/2024	Flowering Dogwood	10"	Save	10" DBH Flowering Dogwood
18	01/15/2024	Swamp White Birch	8"	Save	8" DBH Swamp White Birch
19	01/15/2024	Red Pine	12"	Save	12" DBH Red Pine
20	01/15/2024	White Pine	10"	Save	10" DBH White Pine
21	01/15/2024	Shortleaf Pine	14"	Save	14" DBH Shortleaf Pine
22	01/15/2024	Longleaf Pine	16"	Save	16" DBH Longleaf Pine
23	01/15/2024	Slash Pine	18"	Save	18" DBH Slash Pine
24	01/15/2024	Loblolly Pine	20"	Save	20" DBH Loblolly Pine
25	01/15/2024	Walden Pine	22"	Save	22" DBH Walden Pine
26	01/15/2024	Virginia Pine	24"	Save	24" DBH Virginia Pine
27	01/15/2024	White Pine	26"	Save	26" DBH White Pine
28	01/15/2024	Red Pine	28"	Save	28" DBH Red Pine
29	01/15/2024	Shortleaf Pine	30"	Save	30" DBH Shortleaf Pine
30	01/15/2024	Longleaf Pine	32"	Save	32" DBH Longleaf Pine
31	01/15/2024	Slash Pine	34"	Save	34" DBH Slash Pine
32	01/15/2024	Loblolly Pine	36"	Save	36" DBH Loblolly Pine
33	01/15/2024	Walden Pine	38"	Save	38" DBH Walden Pine
34	01/15/2024	Virginia Pine	40"	Save	40" DBH Virginia Pine
35	01/15/2024	White Pine	42"	Save	42" DBH White Pine
36	01/15/2024	Red Pine	44"	Save	44" DBH Red Pine
37	01/15/2024	Shortleaf Pine	46"	Save	46" DBH Shortleaf Pine
38	01/15/2024	Longleaf Pine	48"	Save	48" DBH Longleaf Pine
39	01/15/2024	Slash Pine	50"	Save	50" DBH Slash Pine
40	01/15/2024	Loblolly Pine	52"	Save	52" DBH Loblolly Pine
41	01/15/2024	Walden Pine	54"	Save	54" DBH Walden Pine
42	01/15/2024	Virginia Pine	56"	Save	56" DBH Virginia Pine
43	01/15/2024	White Pine	58"	Save	58" DBH White Pine
44	01/15/2024	Red Pine	60"	Save	60" DBH Red Pine
45	01/15/2024	Shortleaf Pine	62"	Save	62" DBH Shortleaf Pine
46	01/15/2024	Longleaf Pine	64"	Save	64" DBH Longleaf Pine
47	01/15/2024	Slash Pine	66"	Save	66" DBH Slash Pine
48	01/15/2024	Loblolly Pine	68"	Save	68" DBH Loblolly Pine
49	01/15/2024	Walden Pine	70"	Save	70" DBH Walden Pine
50	01/15/2024	Virginia Pine	72"	Save	72" DBH Virginia Pine
51	01/15/2024	White Pine	74"	Save	74" DBH White Pine
52	01/15/2024	Red Pine	76"	Save	76" DBH Red Pine
53	01/15/2024	Shortleaf Pine	78"	Save	78" DBH Shortleaf Pine
54	01/15/2024	Longleaf Pine	80"	Save	80" DBH Longleaf Pine
55	01/15/2024	Slash Pine	82"	Save	82" DBH Slash Pine
56	01/15/2024	Loblolly Pine	84"	Save	84" DBH Loblolly Pine
57	01/15/2024	Walden Pine	86"	Save	86" DBH Walden Pine
58	01/15/2024	Virginia Pine	88"	Save	88" DBH Virginia Pine
59	01/15/2024	White Pine	90"	Save	90" DBH White Pine
60	01/15/2024	Red Pine	92"	Save	92" DBH Red Pine
61	01/15/2024	Shortleaf Pine	94"	Save	94" DBH Shortleaf Pine
62	01/15/2024	Longleaf Pine	96"	Save	96" DBH Longleaf Pine
63	01/15/2024	Slash Pine	98"	Save	98" DBH Slash Pine
64	01/15/2024	Loblolly Pine	100"	Save	100" DBH Loblolly Pine

Tree Save/Replacement Schedule

1. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
2. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
3. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
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13. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
14. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
15. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
16. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
17. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
18. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
19. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.
20. ALL TREES TO BE SAVED SHALL BE IDENTIFIED AND MEASURED PRIOR TO CONSTRUCTION.

REPLACEMENT SCHEDULE

- 1. 1" DBH OAK (1 NEW TREE)
- 2. 2" DBH OAK (2 NEW TREES)
- 3. 3" DBH OAK (3 NEW TREES)
- 4. 4" DBH OAK (4 NEW TREES)
- 5. 5" DBH OAK (5 NEW TREES)
- 6. 6" DBH OAK (6 NEW TREES)
- 7. 7" DBH OAK (7 NEW TREES)
- 8. 8" DBH OAK (8 NEW TREES)
- 9. 9" DBH OAK (9 NEW TREES)
- 10. 10" DBH OAK (10 NEW TREES)
- 11. 11" DBH OAK (11 NEW TREES)
- 12. 12" DBH OAK (12 NEW TREES)
- 13. 13" DBH OAK (13 NEW TREES)
- 14. 14" DBH OAK (14 NEW TREES)
- 15. 15" DBH OAK (15 NEW TREES)
- 16. 16" DBH OAK (16 NEW TREES)
- 17. 17" DBH OAK (17 NEW TREES)
- 18. 18" DBH OAK (18 NEW TREES)
- 19. 19" DBH OAK (19 NEW TREES)
- 20. 20" DBH OAK (20 NEW TREES)



811
Know what's below.
Call before you dig.



TREE PROTECTION - CHANGE PLANTING FORCE

This diagram illustrates the components of a tree and the requirements for its protection during construction. It shows the crown, trunk, and root system. Key points include:

- Root System:** The root system is the most vulnerable part of the tree and must be protected from soil compaction and damage.
- Trunk:** The trunk must be protected from mechanical damage, such as from construction equipment or vehicles.
- Crown:** The crown must be protected from damage to branches and leaves.
- Soil:** The soil around the tree must be maintained and protected from erosion and compaction.

TREE PROTECTION - CHANGE PLANTING FORCE

This diagram shows a tree within a circular protection zone. It details the requirements for the protection zone, including the placement of barriers and the use of mulch. Key points include:

- Protection Zone:** A circular protection zone must be established around the tree, extending to the drip line.
- Barriers:** A sturdy barrier must be placed around the protection zone to prevent construction equipment and vehicles from entering.
- Mulch:** A layer of mulch must be applied within the protection zone to protect the soil and the tree's base.
- Signage:** Clear signage must be placed around the protection zone to warn workers and the public.

INVOICE



CITY OF ATLANTA
55 TRINITY AVE SW

Application: **BA-201908301**
Application Type: Building/Arborist/Illegal Activity/NA
Address: 335 EPPINGTON DR NW
ATLANTA, GA 30327

Applicant Name:
Phone:
E-mail:

<u>Description</u>	<u>Amount Due</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Account Number</u>
ILLEGAL RECOMPENSE	\$1,410.00	10/02/2019	1042954	7701 250101 3710001
PENALTY (known trees)	\$2,500.00	10/02/2019	1042954	7701 250101 3710000000

Sub Total **\$3,910.00**

Owner Info: **MC CLATCHEY DEVERAUX F**

Work Description: Fines and Fees for the illegal destruction of 3 trees totaling 37" DBH

Related CAPS:

Total Fees: **\$3,910.00**



Department of
CITY PLANNING

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

RECEIVED
OCT 11 2019
BY: _____

TREE CONSERVATION COMMISSION APPEAL FORM

Appeal of Decision of Administrative Official Regarding Trees

Date filed:	10/10/2019	Appeal Number: (Office use only)	BA-2019-07979
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Description of Property			
Street Address:	45 Bowen Avenue, Atlanta, Georgia 30315	<input type="checkbox"/> NE <input type="checkbox"/> NW <input checked="" type="checkbox"/> SE <input type="checkbox"/> SW	
Land Lot: (If available)	57	County:	Fulton County
District: (If available)	14th	Council District: (If available)	NPU: (If available)

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

Appellant 1:	Rati Devi Govinda		
Address:	3934 Foxglove Road	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:	Tucker	Zip:	30084
Email:	rdgovinda6@gmail.com	Phone:	770-351-7141
Appellant 2:			
Address:		<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
City:		Zip:	
Email:		Phone:	

Property Owner Information (if known)

Owner Name:	Rati Devi Govinda		
Owner Address:	3934 Foxglove Road, Tucker, Georgia 30084	<input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> SE <input type="checkbox"/> SW	
Owner Email:	rdgovinda@gmail.com	Owner Phone:	770-351-7141

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 \$ <u>3500.00</u></p> <p>b) Fee \$ <u>2590.00</u> (Illegal recompense)</p>	<p>1. What is the basis of your appeal? Check all that apply.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Appeal of facts asserted in notice of illegal destruction of trees. <input checked="" type="checkbox"/> Appeal of facts asserted in notice of illegal removal of trees. <input checked="" type="checkbox"/> Appeal of fines for unpermitted removal or destruction of trees. <input checked="" type="checkbox"/> Appeal of recompense fees. <input type="checkbox"/> Request to permit tree(s) as dead, dying or hazardous was denied. <input type="checkbox"/> Plan to remove tree(s) in association with construction was denied. <input type="checkbox"/> Plan to remove tree(s) in association with landscaping plan was denied. <input type="checkbox"/> Appeal of Preliminary Approval to remove trees (must complete Attachment 1). <input type="checkbox"/> Other: _____
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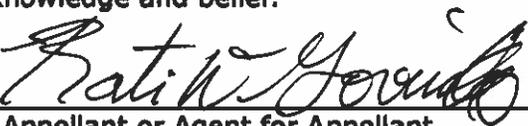


Department of
CITY PLANNING

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

<p>2. Have you obtained the relevant permits for your proposed project? Building permit, land disturbance permit, variance permit, etc.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p>
<p>3. What is the specific decision (and date of the decision if known) of the City Arborist you are appealing? Letter dated September 23, 2019 from City of Atlanta Office of Buildings - Arborist Division - notifying me of a recompense and fines charged as a result of removal of trees on the Property. See Letter and invoice attached.</p>	
<p>4. What decision(s) do you want the Tree Conservation Commission to make? That the assessed fines and recompense fees are improper and too high based upon mistaken facts and improper application of law and are wrong without giving me an opportunity for a trial. See Additional Comments.</p>	
<p>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. Don't know at this time. Neighbor demanded the trees be removed because one of them had split and fallen on their property.</p>	
<p>6. Briefly summarize the proposed activities on the property. I was removing trees that my neighbor said were hazardous because they had fallen on the neighbor's property or were leaning over their property. See Additional Comments</p>	
<p>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. See Additional Comments attached</p>	
<p>8. Please provide complete written explanation if not covered in responses to questions above. (Attach additional pages as needed.) See Additional Comments</p>	

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

10/10/19
Date

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

ADDITIONAL COMMENTS FOR APPEAL

of

**RATI D. GOVINDA
45 Bowen Avenue SE
Atlanta, Georgia 30315**

I am the current owner of the property located at 45 Bowen Avenue, Atlanta, Georgia 30315. I was issued a Notice of Assessment by Gregory Ihle and David Zaparanick, asserting that the I had been assessed cash recompense and fines of \$6,090.00 premised upon the Arborists' allegations of illegal removal and/or destruction of four (4) trees at 45 Bowen Avenue. It is from that Notice of Assessment that my appeal is brought reciting, as error, both the factual determination regarding the size, health and status of the trees alleged to have been removed and their location, as well as the imposition, without trial, of fines and recompense.

BACKGROUND

I am the owner of 45 Bowen Avenue. My adjacent neighbor has demanded that I remove the pecan tree and other trees that were threatening their property after the large pecan tree on my property broke and dropped the top on the neighbors' fence. That tree was diseased, hollow and split in two and the part that split fell on their fence. In response to the neighbor, I promptly hired a professional tree removal

company - Tree Cut Experts, Rodolfo Sototo, to handle removing the trees my neighbor said were leaning over their property and needed to be removed immediately because the trees threatened their home and property.

There was no intent (or even something to make me aware of) to disregard the provisions of the Tree Ordinance; rather, I was trying to respond to what my neighbor described as an emergency caused by these hazardous trees. It is my belief now that the trees removed would, if reviewed by the Arborist, be treated as what the City calls "diseased or hazardous" trees such that I would not have been required to do recompense.

Additionally, when you compare the letter I got from the City with the form I also got showing the calculations, the letter recites 4 trees at 26 inches (a total of 104") while the calculation sheet show various size trees for a total of 73inches, even if the City ignores the broken threatening pecan tree which is half of the total (37 inches).

Because these trees should not have required recompense since they were removed as a hazard at the request of my neighbor, it is overly punitive and harsh to impose recompense *and* fines on the trees even if they were cut in error. There is nothing putting me on notice that I had to get a permit to remove a dangerous tree and I thought that

I was being a good neighbor. A trees that was already split in half, hollow and had lost part of its trunk should not bear fines and certainly shouldn't bear fines at the maximum amount as there was no intent to disregard the law, and I have I not been afforded a trial or right to present my evidence regarding these trees as I understand is required by Section 1-8 and 1-9 of the City of Atlanta Code recited in the Tree Ordinance.

As such, I believe the Arborist factually erred in figuring out recompense for trees that I believe, at the request of the neighbor, the City would have issued a hazardous tree permit and that the fines are not appropriate. The appeal document and my specific argument about errors is filed with this document.

Also, I feel that the Tree Ordinance cannot be used or interpreted to convict me criminally without giving me my constitutional right to a trial where I can prove what I am describing. Not providing me with a trial before "convicting" me does not meet my constitutional rights under the U.S. Constitution or Georgia's Constitution. It is an unlawful use of the City's powers and because there is no benefit to the public and these trees threatened the safety of my neighbor.

I respectfully request that the Tree Commission **GRANT** my appeal and reverse the Notice of Assessment or modify it according to the facts presented herein.

This 10th day of October, 2019.

A handwritten signature in black ink, appearing to read "Rati D. Govinda". The signature is written in a cursive style with a large initial 'R'.

Rati D. Govinda

Tree Cut Experts
Rodolfo Soto
678-755-1273
rodolfo@atlantatreecutexperts.com

Invoice for 45 Bowen Ave. Atlanta GA 30315
September 20, 2019

Cut and remove a hazard tree

- A) The tree split in half.
- B) The tree was hollow inside.
- C) One half of the tree fell on the neighbor's property, creating some concern and some damage on part of the fence.
- D) The tree was dangerous and a high risk to climb.
- E) We had to use a bucket truck to cut down the standing half.

Total = \$1800

If you have any questions, please feel free to contact me.

Rodolfo Soto
Tree Cut Experts