

Parks & Shade Tree Commission
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, Delaware 19971



City of Rehoboth Beach
Telephone 302-227-6181
www.cityofrehoboth.com

**THE PARKS & SHADE TREE COMMISSION
OF THE CITY OF REHOBOTH BEACH**
Notice of Appeal and Application for Administrative Appeal Hearing

The undersigned hereby gives notice of a request for an Administrative Appeal Hearing:

The following is an application made to Parks & Shade Tree Commission of the City of Rehoboth Beach on the day of _____, 20____.

Location of affected property: _____

Applicant's Name: _____

Mailing Address: _____

Telephone Numbers: _____(Home) _____(Office) _____(Cell)

Email Address: _____

Representative's Name: _____

Mailing Address: _____

Telephone Numbers: _____(Home) _____(Office) _____(Cell)

Email Address: _____

Provide information describing the affected property and tree(s) to be removed, retained or planted:

Choose at least one:

- Appealing the grant or denial of an application for tree removal permit.
- Appealing a decision of the City Arborist related to a tree plan.
- Appealing a fee in lieu of mitigation.
- Requesting a waiver of the pertinent requirement of § 253-25.

Check at least one of the following if appealing the grant or denial of an application for tree removal permit as selected on page 1:

- In the case of an application for a building or demolition permit or for partitioning, a subdivision or site plan approval, the tree prevents reasonable development of a lot that is otherwise permissible under City ordinances, provided, however, that a tree removal permit shall not be granted where the applicant has failed to design and locate the proposed improvements, demolition or subdivision so as to minimize the removal of trees consistent with the permitted use of the lot and shall be granted only after reasonable efforts have been made to save protected trees on a lot. Reasonable efforts shall include, but not be limited to, alteration of building design; alternate location of building, an erosion control plan, parking area and other impervious surfaces, water retention or drainage infrastructure; or relocation of utilities;
- The tree is located within an existing or proposed public or utility company street, alley, avenue, lane or other way, an existing or proposed public or utility company easement, or stormwater management tract or facility, provided that only the minimum area reasonably necessary for the public service or use shall be considered for purposes of determining whether there is necessity for tree removal;
- The tree is located where it creates or will create a material safety or health hazard with respect to existing or proposed structures or vehicles or pedestrian routes, and such hazard is not innate to or commonly associated with the existence of trees in general (for example, lightning, wet leaves on the ground during rainstorms);
- The tree is located where it interferes with the installation, delivery or maintenance of proposed or existing utility services to the lot and relocation of such services is not reasonably practicable;
- The tree is determined by the City to be dead, significantly diseased, severely injured or in danger of falling;
- A tree is determined to be one of the following species: Ailanthus, Bradford Pear, Japanese Black Pine, Leyland Cypress, and Norway Maple; or
- The tree is under eight (8) inches and is replaced with another approved tree meeting minimum tree density, in those cases where mitigation is required.

Provide additional information describing the grounds for appeal:

Check here to confirm:

- You either own the property, represent the property owner, or own property within 200 feet of the tree(s) that is the subject of the appeal.
- You have included a sketch or survey identifying tree(s) proposed for removal, tree(s) to remain on the lot, and any new trees to be planted.
- You have included 1 digital format and 10 copies of support documents for distribution.

Date: _____

Appellant

Fee Paid: _____

INSTRUCTIONS

- (1) The written Notice of Appeal and Application for Administrative Appeal Hearing must be filed with the City Manager by delivering to the Office of City Secretary at 229 Rehoboth Avenue, Rehoboth Beach, DE, the said notice of appeal and application, a \$450.00 fee and all supportive documentation within thirty (30) days of the date of the decision which is the subject of the appeal.
- (2) The following are requirements when filing the Notice of Appeal and Application for Administrative Appeal Hearing:
 - (a) State the grounds upon which the appeal is being made.
 - (b) Provide a clear and accurate description of the proposed work including tree(s) to be removed, retained, or planted.
 - (c) Provide a sketch or survey of the property showing all trees, whether they are to be removed or remain.
 - (d) Provide photographs of the subject tree(s).
 - (e) Identify the error upon which the appeal is based and the grounds for reversal of the City Arborist's decision.
 - (f) Deliver the original application, a check in the amount of \$450.00 for the appeal fee, and ten (10) legible paper copies of support documents for distribution.
 - (g) Deliver one (1) digital format of application and support documents that can be emailed to Ann Womack, City Secretary, at awomack@cityofrehoboth.com.
- (3) Please note that the appeal is only considered filed when all the above requirements are met.