

PLANNING AND ZONING COMMISSION  
CITY OF BAY ST LOUIS



WILL RAINES

APPLICANT

APPEAL FROM THE DENIAL OF TREE REMOVAL PERMIT

- i. On the 21<sup>st</sup> day of April, Will Raines, pursuant to Section 22-117 made application to the Tree Protection Advisor and the City of Bay St. Louis pursuant to Bay St. Louis Code of Ordinance Section 22-118 (2) Criteria of Issuance, to remove a tree out of necessity in order to construct a single family residence on site. Code Section 22-118 asks whether removal of the tree is necessary in order to construct the proposed improvements and allow the proposed improvements on the property. (See Section 22-118 that the Tree Protection Advisor shall consider 2) the necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property). In this case, removal of the existing tree is absolutely necessary to construct the proposed improvements on this property and to allow reasonable economic use of the property. In fact, the existing tree reduces the buildable area of the subject lot from 45.10 feet by 70 feet to only 18.5 feet by 50 feet. The only way for the property to be utilized to build a single family residence is by removal of the tree. Therefore Will Raines should have been granted a tree removal permit out of necessity according to Section 22-118. It is for this reason he appeals from the denial to allow for tree removal. Absent removal of the tree the property has no reasonable economic use whatsoever. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to render the property economically useful (so that he may build a single family residence).
- ii. Will Raines also, in his application, cited Section 22-118 (7) regarding the ease of which the proposed development can accommodate the existing trees. In this case, taking into account the lot setbacks and the drip line of the existing tree the buildable width is only 18 feet. This causes the total footprint available with the tree to be reduced to only 925 square feet. The proposed development for a single family residence is 3,382.50 square feet thus frustrating the entire purpose of the development of the land for its intended purpose. Thus according to Section 22-118 in this case the proposed development cannot accommodate the existing tree. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to allow for economic use of the property as there is no way for the proposed development to accommodate the existing tree. Due to the tree he can only build a 925 square foot house, not the proposed 2,382 square foot house.

- a. Further a narrow house that would fit in a space of 18.5 feet would not conform with the historic requirements of the City of Bay St Louis so there is no ease by which the proposed development can accommodate the existing tree but it is rather impossible to accommodate the existing tree. See Bay St. Louis Code of Ordinance Section 2-257 (b) which discusses height and width of the facade requiring new builds to be comparable with existing homes in the vicinity. A narrow house that would fit in a space of 18.5 feet would, most assuredly, not be “comparable with existing homes in the vicinity.”
  1. Pursuant to Section 22-118(8) the economic hardship that would be imposed upon the applicant were the permit denied should have been considered and the permit should have been granted. The economic hardship is great in this case as the land has no economic value absent removal of the tree. No single family residence can be built upon the property absent removal of the tree rendering Mr. Raines’ land completely useless. It is thus for this reason further that Mr. Raines requests from the Planning and Zoning Commission a variance to allow for tree removal.
- iii. The Planning and Zoning Commission must, in accordance with Section 22-116(b) move for approval of the tree removal permit. Will Raines submitted his letter of application and accompanying documentation to the City in accordance with all requirements of the ordinance on the 21<sup>st</sup> day of April, 2025. His request for removal of the tree was denied in writing by the City on May 27, 2025.
  - a. Section 22-116(b) states: Site plans for development or redevelopment. A site plan for the development or redevelopment of any tract of land located in the city shall be submitted to the city, along with the application for a building permit, prior to the removal of any tree as herein defined. No building permit shall be issued until the tree site plan has been reviewed and approved in writing by the tree protection advisor, and a permit as provided is issued or denied within seven working days of submittal. Reasons for denial shall also be reported to the applicant in writing. If the applicant is not notified of approval or disapproval within seven working days, such plans shall be considered approved, and such permit shall be considered issued by the tree protection advisor through the building official.
    1. Will Raines made application on April 21<sup>st</sup>. He was denied in writing on May 27, 2025.
    2. Because Will Raines was not approved or denied in writing within seven working days of submittal, then according to Section 22-116(b) his plans shall be considered approved and such permit shall be issued by the tree protection advisor through the building official.
    3. Will Raines therefore respectfully requests that, in accordance with Section 22-116(b) and its mandate of “shall” that the tree protection advisor accordingly issue his tree removal permit through the building

official and that the Planning and Zoning Commission formally make this recommendation on the record as all appeals must be filed with the Planning and Zoning Commission.

4. Will Raines formally requests that the Planning and Zoning Commission in accordance with Section 22-116(b) consider his April 21<sup>st</sup> application for tree removal approved and recommended that such permit shall issue.

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