



## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Justin Westbrook, Community Development Director  
**SUBJECT:** Tree Removal Request (TR-24-01) – 519 Whitesville  
**DATE:** June 25, 2024

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**Background:** The applicant, Neil Melander, has applied for a Tree Removal Request (TR-24-01) for a two (2) **Grand Trees** located at 519 Whitesville Road. Grand Trees are defined as,

*“any tree having a diameter at breast height (DBH) of twenty-four (24) inches or larger”.*

Staff has visited the property to find two (2) large trees, a Birch tree in excess of twenty-four (24) inches and a Pecan tree in excess of thirty (30) inches. The applicant reached out to Staff to express their desire to seek a permit to remove both trees, as the birch tree appears to be dead and the pecan being in close proximity to the applicant’s house. The applicant stated in correspondence with Staff that the birch tree was an “unhealthy shape”, with Staff noting during a site visit it appears to be dead. The applicant stated the pecan tree was an imminent safety hazard to nearby buildings and that limbs from the subject tree had fallen, causing damage to structures. The applicant provided pictures of what appears to be fallen limbs, close proximity to the house, and subsequent limb damage to the trees that most likely will result in additional dropping of limbs.

The applicant has expressed his desire to mitigate the removal of the trees in question by planting five (5) Live Oak saplings. Currently, these saplings are approximately 12-inches to 18-inches in height, and are expected to be planted on the property in the fall with better weather. The applicant anticipates the saplings should be “about 2-3 feet by then”. The applicant has provided pictures size of the mitigating plantings.

**Procedural Issues:** Per the Town’s Code of Ordinance (Article III, Chapter 16), grand trees may be removed without mitigation under the following circumstances:

- A. Tree(s) is/are dead.
- B. Tree(s) which pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
- C. Trees which are located in the footprint of a proposed building or drive which cannot be reasonably relocated.

- D. Trees which are being cut as a commercial timber operation in accordance with the South Carolina Right to Practice Forestry Act. The Town requests but does not require that a 50-foot wide perimeter buffer of all existing trees be maintained in an undisturbed manner. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article with respect to their removal from the commercial site upon which they are grown.
- E. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or South Carolina Office of Coastal Resource Management are exempt from the provisions of this article.
- F. Removal because of density or interference with the development of other trees.
- G. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
- H. Trees identified by the South Carolina Exotic Pest Plant Council Non-Native Plant Species List.

**Staff Analysis:** Staff was able to attempt a visual inspection of the trees, and feel the Birch tree and Pecan tree pose an imminent safety hazard, to both the home and adjacent utility lines. The applicant has provided several pictures to support the claim that the tree was dangerous and potentially causing property damage. Staff does not believe the tree was in the footprint of a structure, part of a commercial timber operation, interfered with development of other trees, or on the non-native plant species list.

**Staff Recommendation:** Staff recommends approval of the request to remove the trees, as the imminent danger of the trees coupled with the planned mitigation with Live Oak saplings is consistent with the spirit and intent of the Town's tree ordinance.

*Attachments:*            *Application (20240509)*  
                                  *Staff Pictures (20240510)*  
                                  *Applicant's Narrative (20240621)*  
                                  *Applicant's Pictures (20240621)*